



No. 69.]

BILL

[1899.]

An Act to incorporate the Thessalon and Grand Portage Railway Company.

5 **W**HEREAS the construction of a railway on the line hereinafter set forth would open up and develop a large section of country now difficult of access and would open up a portion of country apparently rich in minerals and would conduce to the general advantage of the Province of Ontario and whereas the persons hereinafter mentioned have by petition prayed that they may be incorporated for the purpose of constructing and operating such railway and whereas it is expedient to grant the prayer of the said petition ; Preamble.

10 Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. R. H. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, Incorporation.
F. R. Bennett, T. Buchanan, A. A. Burk, W. Kitch, Thomas
15 Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J. Sander, W. Ruddy and D. R. Dobie, together with all such persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of The Thessa-
20 lon and Grand Portage Railway Company hereinafter called the company.

2. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be a part of this Act Railway Act incorporated.

and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactment hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act. 5

Location of
line.

3. The said company, their agents or servants shall have full power and authority to survey, lay out, construct, complete, lease, purchase and operate a single or double line of railway to be operated either by steam or electricity from a point at or near the town of Thessalon in the district of 10 Algoma, thence in a north-westerly direction passing through the townships of Thessalon, Kirkwood, Bridgland, Wells and Gould to a point known as The Grand Portage on the Mississauga River in the said township of Gould and thence in a northerly direction through the township of Gould and the unorganized 15 district a distance of about thirty miles with such digressions or divergencies as may be necessary or convenient and with power to construct cross lines to extend not more than twelve miles in an easterly or westerly direction.

gauge.

4. The said railway may be of any gauge 20

Purchase of
lands and
erection of
warehouses,
etc.

5. The company shall have power to purchase, lease or acquire at any point where their railway or any branch thereof touches or approaches within two miles thereof any navigable waters sufficient lands for the uses of the company and the company may erect warehouses, docks, wharfs, stations, work- 25 shops and such other buildings as may be necessary for the purpose of the company and may sell or convey such land as may be found superfluous for such purposes.

Agreements
with other
companies.

6. The company shall have power to enter into and conclude any agreements with any other railway company operating in 30 the Province of Ontario if lawfully authorized to enter into such agreements to lease the railway herein authorized or any part thereof or to lease or acquire running power over the lines of such other companies or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property or touch- 35 ing any service to be rendered by the one company to the other and the compensation therefor provided the agreements shall be approved of by two-thirds of the shareholders at any special or general meeting called for that purpose.

Telegraph
lines.

7. For the purpose of constructing, working and protecting 40 the telegraph lines to be constructed by the company on this line of railway the powers conferred upon the telegraph companies by the Act respecting electric telegraph companies are hereby conferred upon the company and the other provisions of the said Act for the working and protecting of telegraph 45 lines shall apply to any such telegraph lines constructed by the company.

8. The company shall have the right on and after the first day of November in each year to enter into or upon any lands of Her Majesty or into or upon any lands of any corporation or person whatsoever along the route or line of said railway and to erect an snow fences thereon subject to the payment of such (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered. Provided always that any such snow fences so erected shall be removed on or before the first day of April following.

9. H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, F. R. Bennett, T. Buchanan, A. A. Burk, W. Kitch, Thomas Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J. Sander, W. Ruddy and D. R. Dobie with power to add to their numbers are hereby constituted a board of provisional directors of the company and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders and shall have power to fill the place or places of any of their number which may become vacant and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the *Railway Act of Ontario* are vested in ordinary directors : and such provisional directors may appoint a committee from their numbers to open such stock books giving at least four weeks notice in the *Ontario Gazette* and in one paper published in the district of Algoma of the time and place of meeting to open such books and receive such subscriptions and the said committee or a majority of them may in their discretion exclude any person from subscribing.

10. The capital stock of the company hereby incorporated shall be \$2,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into twenty thousand shares of \$100.00 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and the other purposes of this Act.

11. When and so soon as shares to the amount of \$100,000 in the capital stock of the said company shall have been subscribed and ten per cent. paid thereon into a chartered bank of the Dominion having an office in the Province of Ontario

to the credit of the company (and which shall on no account be withdrawn therefrom unless for the services of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders for the purpose of electing directors of the said company giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said district of Algoma of the time, place and purpose of said meeting. 5

Allotment of stock. 12. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times and at such discount as they think fit, or they may agree for the sale of such stock or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions of *The R.S.O. c 207. Railway Act of Ontario*; and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share. 10 15 20

Power to make certain payments in paid-up stock. 13. The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors or for the right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreements so made shall be binding on the company. 30 35

Annual meeting. 14. The general annual meeting of the shareholders of the company shall be held at such place in the Town of Thessalon and on such days and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for four weeks in a newspaper published in the Town of Thessalon. 40

Special general meetings. 15. Special general meetings of the shareholders of the said company may be held at such places in the Town of Thessalon and at such times and in such manner and for such purposes, as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section. 45

16. In the election of directors under this Act no person shall be elected director unless he shall be the holder and owner of at least five shares of the stock of the said company upon which all calls have been paid up.

Qualification
of directors

17. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Shareholders
right to vote.

18. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Quorum of
directors.

19. Any municipality through which said railway may pass is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or dispose of the same for the benefit of the company.

Grants of land
to company.

20. The company shall have power to purchase and hold such lands as may be required at the extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the use of the said company, and the same or portions thereof in their discretion, to sell or convey and also to make use of for the purpose of the said railway, of any stream or water course at or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Power to hold
additional
property at ex-
tremities of
railway.

21. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years.

Power to ex-
empt from
taxation.

22. The company shall have power and authority to become parties to promissory notes or bills of exchange for sums not less than one hundred dollars, and such promissory note

Negotiable
instrument.

or bill of exchange made, accepted or endorsed by the President of the company, and countersigned by the secretary of the company, under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown. 5

Bonds.

23. The company shall have power and authority upon the approval of a majority of shareholders voting in person or by proxy at any regular annual meeting or special general meeting called for that purpose, to issue mortgage bonds, not to exceed \$10,000 per mile, for each and every mile of railway herein authorized to be built, for the purposes of the undertaking authorized by this Act, which shall constitute a first-mortgage and lien upon the undertaking and the real property 15 of the company including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all other holders thereof upon the undertaking and property of the company as afore- 20 said; and such mortgage shall be evidenced by a deed or deeds of trust executed by the company, which deed or deeds shall contain such conditions respecting the payment of the said bonds and the interest thereon and respecting the remedies which shall be enjoyed by the holders thereof or by any trustee or 25 trustees for them in default of such payment and for enforcing such remedies and for such forfeitures and penalties in default of payment thereof and of the interest or coupons thereon as are approved by a majority of the board of directors of the said company at any regular meeting or a special meeting 30 called for that purpose and as are not contrary to the law or the provisions of this Act.

**Pledging
stock.**

24. The company may from time to time for advances of money pledge any stock debentures or bonds which under the powers of this Act can be issued for the construction of the railway 35 or otherwise.

Form of conveyances.

25. Conveyances of lands to the said railway company for the purposes of and powers given by this Act made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, 40 their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the Registry Laws of Ontario; and no regis- 45 trar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

26. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof and of its course and direction and of the land intended to be passed over and taken therefor as far as then ascertained and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to plans and surveys, by sections or portions less than the whole length of said railway authorized of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than eight miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of said railway all and every one of the clauses of said *Railway Act* and the amendments thereof applied to included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with a map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to plans and surveys.

Power to build railway by sections.

R.S.O. c. 207.

27. The railway shall be commenced within four years and completed within seven years after the passing of this Act.

Commencement and completion.

SCHEDULE A.

(Section 25.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ _____ paid to me (or us) by the Thessalon and Grand Portage Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) (insert the name or names of any other party or parties) in consideration of \$ _____ paid to me (or us) by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Thessalon and Grand Portage Railway Company, its successors and assigns (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hands and seals this _____ day of _____ A. D. 1 _____

Signed sealed and delivered in the presence of _____

[L. S.]

BILL.

An Act to incorporate The Thessalon and
Grand Portage Railway Company.

First Reading,	1899.
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(Private Bill)

MR. FARWELL.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 69.]

BILL

[1899.

An Act to incorporate the Thessalon and Grand Portage Railway Company.

WHEREAS H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, F. R. Bennett, T. Buchanan, A. A. Burk, W. Keetch, Thomas Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J. Sandie, W. Ruddy, and D. R. Dobie, all of the town of Thessalon, in the District of Algoma, have by their petition prayed for an Act of incorporation under the name of "The Thessalon and Grand Portage Railway Company" for the purpose of constructing, maintaining and operating a steam railway from a point at or near the town of Thessalon in the district of Algoma, thence in a northwesterly direction passing through the townships of Thessalon, Kirkwood, Bridgland, Wells and Gould to a point known as the Grand Portage on the Mississaga River in the said township of Gould, and thence in a northerly direction through the township of Gould and the unorganized district, a distance of about thirty miles; and whereas it is expedient to grant the prayer of the said petition: **Preamble.**

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie, F. R. Bennett, T. Buchanan, A. A. Burk, W. Keetch, Thomas Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J. **Incorporation.**

Sandie, W. Ruddy and D. R. Dobie, together with all such persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The Thessalon and Grand Portage Railway Company" hereinafter called "the company."

Railway Act
incorporated.

2. The several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof so incorporated with this Act.

Location of
line.

3. The company, their agents and servants shall have full power and authority to survey, lay out, construct, complete, and operate a single or double line of railway to be operated by steam from a point at or near the town of Thessalon in the district of Algoma, thence in a north-westerly direction passing through the townships of Thessalon, Kirkwood, Bridgland, Wells and Gould to a point known as The Grand Portage on the Mississaga River in the said township of Gould and thence in a northerly direction through the township of Gould and the unorganized district a distance of about thirty miles.

Gauge.

4. The gauge of the said railway shall be four feet eight and one-half inches.

Purchase of
lands and
erection of
warehouses
etc.

5. The company shall have power to purchase, lease or acquire at any point where their railway or any branch thereof touches or approaches within two miles thereof any navigable waters sufficient lands for the uses of the company and the company may erect warehouses, docks, wharfs, stations, workshops and such other buildings as may be necessary for the purpose of the company and may sell or convey such land as may be found superfluous for such purposes.

Agreements
with other
companies.

6. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, or any other connecting company, if lawfully empowered to enter into such arrangements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose; and it shall also be lawful for the said company to enter into an agreement with such companies, or either of them, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized, or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other

property, or of any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy, at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway, and in the same manner as if incorporated with their own line; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ~~7A~~

7. The company may also construct an electric tele-
graph line and a telephone line in connection with their rail-
way, and for the purpose of constructing, working and pro-
tecting the said telegraph and telephone lines, the powers con-
ferred upon telegraph companies by *The Act Respecting Tele-
graph Companies* being chapter 192 of the Revised Statutes
of Ontario, 1897, are hereby conferred upon the company;
provided, that no poles shall be erected in the construction of
either of the said lines in or through any city, town or incor-
porated village without the consent of the council of such
city, town or village being first obtained by the company;
provided also, that such telegraph and telephone lines shall be
used exclusively for the purposes of the business of the
company. Telegraph and telephone lines.

8. The company shall have the right on and after the first
day of November in each year to enter into or upon any
lands of Her Majesty or into or upon any lands of any cor-
poration or person whatsoever lying along the route or line of
said railway and to erect and maintain snow fences thereon
subject to the payment of such damages (if any) as may be
hereafter established in the manner provided by law in respect
of such railway to have been actually suffered. Provided
always that any such snow fences so erected shall be removed
on or before the first day of April following. Snow fences Proviso.

9. H. R. McDonald, T. J. McCort, J. J. Ansley, J. B. Dobie,
F. R. Bennett, T. Buchanan, A. A. Burk, W. Keetch, Thomas
Cullis, W. Hetherington, W. Bowers, W. L. Nichols, D. J.
Sandie, W. Ruddy and D. R. Dobie with power to add to their
numbers are hereby constituted a board of provisional directors
of the company and shall hold office as such until other direc-
tors shall be elected under the provisions of this Act by the
shareholders and shall have power to fill the place or places of
any of their number which may become vacant and to open
stock books and procure subscriptions for the undertaking, to Provisional directors.

R.S.O. 207. make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided, and with all such other powers as under the *Railway Act of Ontario* are vested in ordinary directors : and such provisional directors may appoint a committee from their numbers to open such stock books giving at least four weeks notice in the *Ontario Gazette* and in one paper published in the district of Algoma of the time and place of meeting to open such books and receive such subscriptions and the said committee or a majority of them may in their discretion exclude any person from subscribing.

Capital stock. 10. The capital stock of the company hereby incorporated shall be \$2,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into twenty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and the other purposes of this Act.

First election of directors. 11. When and so soon as shares to the amount of \$100,000 in the capital stock of the company shall have been subscribed and ten per cent. paid thereon into a chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company (and which shall on no account be withdrawn therefrom unless for the services of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders for the purpose of electing directors of the company giving at least four weeks' notice by advertisement in the *Ontario Gazette* and in one or more newspapers published in the said district of Algoma of the time, place and purpose of said meeting.

Number of directors. 12. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than nine persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. Stat., c. 207.

13. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount and at such times and at such discount as they think fit, or they may agree for the sale of such stock or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions of *The Railway Act of Ontario*; and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Allotment of stock.

R.S.O. c. 207.

14. The said provisional directors or the elected directors may pay or agree to pay in paid up stock or in the bonds of the company such sums as they may deem expedient to engineers or contractors or for the right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreements so made shall be binding on the company.

Power to make certain payments in paid-up stock.

15. The head office of the company shall be at the town of Thessalon and the general annual meeting of the shareholders of the company shall be held at such place in the said Town of Thessalon and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Thessalon during the four weeks immediately preceding the week in which such meeting is to take place.

Annual meeting.

16. Special general meetings of the shareholders of the company may be held at such place in the Town of Thessalon and at such times and in such manner and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Special general meetings.

17. In the election of directors under this Act no person shall be elected director unless he shall be the holder and owner of at least five shares of the stock of the company upon which all calls have been paid up.

Qualification of directors

18. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote

Shareholders right to vote.

on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Quorum of directors.

19. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Grants of land to company.

20. Any municipality through which said railway may pass or is situate is empowered to grant by way of gift to the company any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or dispose of the same for the benefit of the company.

Power to hold additional property at extremities of railway.

21. The company shall have power to purchase and hold such lands as may be required at the extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the use of the said company, and the same or portions thereof in their discretion, to sell or convey and also to make use of for the purposes of the said railway, of any stream or water course at or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Power to exempt from taxation.

22. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Negotiable instruments.

23. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until

the contrary be shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

24. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Issue of Bonds.
R.S.O. c. 207.

25. The company may from time to time for advances of money to be made thereon mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Pledging stock.

26. Conveyances of lands to the company for the purposes of and powers given by this Act made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required by the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyances.

27. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the railway of the company is to pass, together with the map or plan thereof and of its course and direction and of the lands intended to be passed over and taken therefor as far as then ascertained and also the book of reference for the railway and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto with respect to plans and surveys, by sections or portions less than the whole length of said railway authorized of such length as the company may from time to time see fit, so that no one of such

Power to build railway by sections.

R.S.O. c. 207. sections or portions shall be less than *ten* miles in length and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of said railway all and every one of the clauses of said *Railway Act* and the amendments thereof applied to included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with a map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to plans and surveys.

Commence-
ment and com-
pletion.

28. The railway shall be commenced within *three* years and completed within *six* years after the passing of this Act.

SCHEDULE A.

(Section 26.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of \$ paid to me (or us) by the Thessalon and Grand Portage Railway Company the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) (insert the name or names of any other party or parties) in consideration of \$ paid to me (or us) by the said company the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Thessalon and Grand Portage Railway Company, its successors and assigns (here insert any other clauses, conditions and covenants required) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hands and seals this day of A. D. 1

Signed sealed and delivered in the presence of

[L. S.]

No. 69.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to incorporate The Thessalon and
Grand Portage Railway Company.

First Reading, 21st February, 1899.
Second Reading, 13th March, 1899.

*(Reprinted as amended by Railway Com-
mittee.)*

Mr. FARWELL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.]

BILL.

[1899.

An Act respecting the Town of Kincardine.

WHEREAS the corporation of the town of Kincardine have Preamble,
by their petition represented that the said corporation
have passed a by-law No. 392 intituled a by-law to provide
funds for granting to the extent of \$4,000.00 a bonus by way
5 of loan to Robert Hunter and Alexander Hunter of the town
of Kincardine, steel bridge manufacturers and builders carrying
on business in the said Town of Kincardine under the name
style and firm of "Hunter Bros." for the purpose of enabling
them to extend and increase their business of manufacturing
10 and erecting steel bridges, and to increase their plant for such
purposes and to aid them in their said manufacturing enterprise
in the said town of Kincardine and to authorize the issue of
debentures therefor; wherein it was enacted that the said cor-
poration might aid and assist Messrs. Hunter Bros., steel bridge
15 manufacturers, by lending them the sum of \$4,000.00 to enable
the said firm to extend and increase their said business for the
manufacturing of steel bridges on certain conditions mentioned
in said by-law, said loan to be repayable in ten years from the
first day of January, 1899; and whereas there is no other
20 similar industry established within the limits of the said cor-
poration, and whereas the said by-law was submitted to a vote
of the ratepayers entitled to vote on money by-laws as pro-
vided by *The Municipal Act*, and one hundred and fifty-nine
of the ratepayers qualified to vote as aforesaid voted in favour
25 of the said by-law being a majority of those qualified and who
did vote on such by-law, and whereas the corporation by their
petition have prayed that the said by-law may be confirmed

and the agreement entered into by the said Hunter Bros. for the performance of the conditions of the said by-law may be declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
392 confirmed.

1. The said by-law No. 392 of the corporation of the town of Kincardine intituled as in the preamble of this Act and set out in Schedule B to this Act, is hereby confirmed and declared to be valid and binding upon the said municipality from the time of the passing thereof to all intents and purposes notwithstanding any want of power or jurisdiction in the said municipal council to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is declared to have been authorized by said by-law No. 392 to grant aid by way of loan to the said Messrs. Hunter Bros. therein mentioned to the extent of \$4,000.00 repayable in ten years from the first day of January, 1899, or repayable sooner than that time as is provided for and in pursuance of the terms of said by-law, and the said agreement set out in schedule A to this Act is declared to be valid and binding and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 392 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

SCHEDULE A.

THIS AGREEMENT made (in duplicate) the eighth day of December in the year of our Lord one thousand eight hundred and ninety-eight, between Robert Hunter and Alexander Hunter, both of the town of Kincardine in the county of Bruce, carrying on business as steel bridge manufacturers at said town, in co-partnership and under the name and style and firm of "Hunter Bros" (hereinafter called "Hunter Bros.") of the first part, and the corporation of the town of Kincardine (hereinafter called "The Corporation") of the second part.

Whereas the said Hunter Bros. are engaged in manufacturing steel bridges within the said town of Kincardine and are desirous of increasing and extending their said manufacturing industry and to increase the number of mechanics and others in their employ in said business and they have applied to the municipal council of the corporation for a loan of the sum of \$4,000.00 for a term of ten years without interest to be repayable in ten years as is hereinafter mentioned, and to be secured by a mortgage on the lands, buildings, machinery and other plant of the said Hunter Bros., as is hereinafter provided.

And whereas the said council have agreed to submit to the ratepayers of the said municipality for their assent a by-law to enable the corporation

to issue debentures for said sum of \$4,000.00 and to loan the same to said Hunter Bros. for the said period and for the purposes and on the conditions in said by-law mentioned, and should said by-law be assented to by a majority of the ratepayers of said municipality, entitled to and voting thereon, and afterwards confirmed and made valid by an Act of the Legislative Assembly of the Province of Ontario, that the said corporation would raise said sum by issuing debentures therefor and would loan the same to the said Hunter Bros. on the terms and conditions herein and in said by-law set forth.

Now this agreement witnesseth that the said Hunter Bros. for themselves, their executors, administrators and assigns do in consideration of the premises, covenant promise and agree with the said corporation, their successors and assigns, that they the said Hunter Bros., will, on the said loan being granted them by said corporation repay the same in ten years from the first day of January, 1899, as follows, in ten equal consecutive annual instalments of \$400.00 each, payable on the first day of January in each of the ten years next immediately succeeding the first day of January, 1899, the first of said annual payments to be paid on the first day of January, 1900, and that they the said Hunter Bros. will secure the repayment of said loan by a first mortgage (which shall be free of dower, and encumbrance) on lot eight (8) a sub-division of lot eight (8) on the north side of Durham Street in the said town of Kincardine, and all other the lands, buildings, machinery and other plant owned by them, as also on any additional or other machinery or plant which at any time during the currency of said loan may be by them purchased or brought into said business or placed in said buildings or on said premises or which may be substituted for or replace any of the machinery or plant now or hereafter in use by them, and that said mortgage on said lands, buildings and fixtures shall be made in pursuance of *The Act respecting Short Forms of Mortgages*, and that the said mortgage on the said lands, buildings, machinery and other plant shall contain all the respective covenants, conditions and stipulations as is in the said by-law provided and directed to be inserted therein respectively.

And the said Hunter Bros. do further covenant, promise and agree with the said corporation that all the said moneys to be loaned them as aforesaid shall be paid, laid out and wholly expended by them in their said manufacturing business, and that no part or portion of the same shall be applied, used or expended except in their said business as carried on by them within the said municipality.

And the said Hunter Bros., or their executors, administrators or successors in said business or their assigns, shall continuously and in each and every year during the currency of said loan keep employed in their said manufacturing business within said municipality at least ten competent men (exclusive of any member or members of the said firm of Hunter Bros., or of any firm or persons, partner or partners who may succeed them in carrying on said business, or who may at any time during said term enter into co-partnership with the said Hunter Bros., or any person or firm who may at any time during such period as aforesaid become a partner in said business and that they will in each and every year of said term of ten years pay out in wages to competent men employed by them in carrying on said manufacturing business the yearly sum of at least \$5,000.00 and that they will at the expiration of each and every year of said term of years and on or before the fifteenth day of January in each of the ten years immediately following the fifteenth day of January, 1899, and commencing on the fifteenth day of January, 1900, prepare and deliver to the Mayor of the said corporation a detailed statement or account of the wages actually paid out by them during the preceding year ending on the thirty-first day of December, showing the name or names of each man, person or employee to whom wages have been paid during the year, and will verify said statement or account by a proper statutory declaration to be made by one of the members of the firm or their book-keeper or the person employed by them in keeping

the account of the wages paid during each of the said years, and will, if required so to do by the resolution of the municipal council of the said corporation submit to the committee or person or persons appointed by them, whether members of said council or not, all or any of their books and accounts containing any entry or entries, statement or account of wages paid by them in any one or more years, and all vouchers, receipts or statements for or relating to such wages or payment of same, and it is expressly covenanted and agreed between said parties hereto that in the event of the failure or neglect of the said Hunter Bros., their executors or administrators or their successors or the persons for the time being carrying on or conducting said business, to comply with this agreement in any one year whether such annual verified statement has been asked for or required or not, or in the event of their neglect (after being required by the corporation) to submit their said books, accounts, vouchers, receipts and statements for inspection for the purpose aforesaid, or if on or after such inspection it be found that, or it should from the verified statements furnished by the said Hunter Bros., or any other person who ought to deliver the same, appear in any one year of said term, that the wages paid out to competent men as aforesaid during the year for which such statement is furnished is less than the sum of \$5,000.00 for the year, then and in either or any such event the corporation shall have the right to call in all the unpaid principal money, and the whole principal remaining unpaid shall then become payable, but the corporation may waive their right to call in the principal upon the happening of any such default and shall not be therefore debarred from asserting and exercising their right to call in the said unpaid principal on the happening of any such future default or breach of this agreement. And further, that the several conditions, provisions and stipulations in this agreement shall be embodied in and form part of the mortgage securities to be given by the said Hunter Bros. as is provided for in said by-law.

In witness whereof the said Messrs. Hunter Bros. have hereto set their hand and seals, and the said corporation have affixed their corporate seal attested by the hand of their Mayor the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) H. J. D. NAFTEL.	}	(Sgd.) HUNTER BROS.	[L.S.]
		(Sgd.) D'WITT H. MARTYN,	[Corporate Seal
		Mayor.	of Town.]

SCHEDULE B.

(By-Law No. 392.)

A By-Law to provide funds for granting to the extent of \$4,000.00 a bonus by way of loan to Robert Hunter and Alexander Hunter of the Town of Kincardine in the County of Bruce, steel bridge manufacturers and builders carrying on business in the said Town of Kincardine under (and in this by-law referred to by) the name style and firm of "Hunter Bros.," for the purpose of enabling them to extend and increase their business of manufacturing and erecting steel bridges and to increase their plant for such purpose; and to aid them in their said manufacturing enterprises in the said Town of Kincardine, and to authorize the issue of debentures therefor.

Whereas, the said Hunter Bros. are now engaged in manufacturing steel bridges within the municipality and in erecting the same in different localities, and they are owners in fee of, and their said manufacturing business is situate on Lot Number Eight, being a sub-division of Lot

Number Eight on the north side of Durham street in the said Town of Kincardine, and are also owners of a large quantity of machinery and plant used by them in their said business and have laid out and expended large sums of money in the purchase of said lot, the buildings thereon and machinery and plant therein, and they have requested the Municipal Corporation of the said Town of Kincardine to aid and assist them in extending and increasing their said steel bridge manufacturing and building industry and so as to enable them to employ a greater number of mechanics and other workmen in the said business and in increasing their machinery and plant and other facilities for carrying on the said industry in the said Town of Kincardine by granting to them by way of a bonus a loan of the sum of \$4,000.00 for a term of ten years from the 1st day of January, 1899, without interest, to be repaid by them to the corporation in ten equal, consecutive, annual instalments of \$400.00 each, payable on the 1st day of January in each of the ten years next immediately succeeding the 1st day of January next, the first of said annual payments to be made on the 1st day of January, 1900, and which loan shall be secured by first mortgages (which shall be free of dower and encumbrances) on the said lands, buildings and machinery and other plant of the said Hunter Bros., and also on any additional or other machinery or plant which at any time while the said mortgages remain unsatisfied be purchased by them and brought into the said business or placed in the said buildings or on the said premises or which may be substituted for or replace any of the machinery or plant now in use by the said Hunter Bros. and which said mortgage on the said real estate and fixtures shall be prepared or made in pursuance of *The Act Respecting Short Forms of Mortgages*, and shall contain a bar of dower (if necessary) and the usual covenants contained in such mortgages, that is to say, for payment, title, right to convey, quiet possession on default, freedom from encumbrance, further assurance, that no act to encumber has been done, for insurance to extent of at least two-thirds the cash value of fixtures and buildings, a release of all claims subject to proviso for repayment, a power of sale on default for three months on one month's notice, that until default mortgagors to have quiet possession; also a provision that if default be made in payment of any part of the principal, interest at five per cent. shall be payable on all arrears from default till payment, that on default of payment of any instalment of principal or any portion of the same for four months the whole of the principal secured by the said mortgage shall become due and payable and that on four months' default of any instalment of principal, or any portion of the same, the corporation may exercise the power of sale without any notice, or may from time to time distrain for any interest that may be payable on any principal in arrear for a period of over six months and a provision for allowing premature payment off of the mortgage in event of sale. And the said mortgage to be given on the said machinery and plant shall contain the usual full covenants and conditions contained or generally inserted in a Bill of Sale by way of Mortgage, and shall contain a proviso for insuring to the extent of two-thirds the cash value of the said plant and machinery and for renewal and assignment of the policies, and also a condition that until all moneys payable under or secured by the said chattel mortgage be fully paid and satisfied the said machinery and plant shall not, nor shall any part of the same be removed out of the said Town of Kincardine.

And whereas it is also a condition agreed to by the said Hunter Bros. in consideration of the said loan, that they shall continuously keep employed in their said business during the currency of such loan, at least ten competent men (exclusive of the members of the said firm) to whom they shall pay in wages the yearly sum of not less than \$5,000.00 in cash, which agreement shall be embodied in said mortgage.

And whereas the municipal corporation of the said town of Kincardine have resolved that for the promotion of manufactures within the said municipality it is advisable and expedient that, and they have consented and agreed (subject to the approval of the legislature of the Province of Ontario) to provide and loan to the said Hunter Bros., on the conditions

mentioned in the recitals to this by-law, the said sum of \$4,000.00 by way of bonus for the purpose of aiding them in extending and increasing their said manufacturing business in the said municipality.

And whereas it will be requisite to raise by a special rate sufficient therefor on all the rateable property in the said municipality, in each of the years 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908, the sum of \$505.51, for the payment of the said loan of \$4,000.00 and interest thereon.

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, amounts to five hundred and eighty-one thousand five hundred and thirty-eight dollars.

And whereas the existing debenture debt of this municipahty amounts to the sum of \$76,372.93, and no principal or interest is in arrear.

Be it therefore, and it is hereby, by the municipal council of the corporation of the town of Kincardine, enacted as follows :

1. That it shall be lawful for the mayor of the said town of Kincardine, and he is hereby authorized, for the purposes aforesaid to borrow the sum of four thousand dollars, and to issue and sign the debentures of the said municipal corporation to the said amount of \$4,000 00, in sums of not less than \$100.00 each, and which shall be payable in the manner for the amounts and at the times hereinafter more particularly mentioned, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

2. The said debentures shall have attached to them coupons for the payment of interest at the rate of four and one half per centum per annum, which coupons shall be signed by the mayor and treasurer of the the said town, and shall be made payable yearly on the thirtieth day of December in each and every year during the continuance of the said debentures.

3. The said debentures shall bear date on the ninth day of January, A.D. 1899.

4. The principal and interest on said debentures to be issued under this by-law, shall be payable within ten years from the said time of their issue, and both the said principal and interest shall be payable at the agency or branch of the Merchants Bank of Canada at the said town of Kincardine.

5. The first one of such debentures shall be made payable on the thirtieth day of December, A.D. 1899, and one debenture shall be made payable in each successive year thereafter on each thirtieth day of December, till all of the said debentures and the interest thereon are paid (so that the sum to be raised for principal and interest shall be as nearly as possible equal in each year) and the said debentures shall be payable as follows, that is to say :

YEAR.	INTEREST.	PRINCIPAL.	ANNUAL AMOUNT.
1899	\$180 00	\$325 51	\$505 51
1900	165 35	340 16	505 51
1901	150 04	355 47	505 51
1902	134 04	371 47	505 51
1903	117 33	388 18	505 51
1904	99 86	405 65	505 51
1905	81 60	423 91	505 51
1906	62 53	442 98	505 51
1907	42 59	462 92	505 51
1908	21 76	483 75	505 51

6. There shall be levied and raised annually during the currency of the said debentures, or any of them, on the whole rateable property in the said municipality, by a special rate (over and above all other rates) for the payment of the said sum of four thousand dollars and the interest payable thereon as in the preceding section of this by-law set forth, the sum of five hundred and five dollars and fifty-one cents;

7. This by-law shall take effect on the thirteenth day of January, A.D. 1899.

8. The votes of the electors of the municipality shall be taken on this by-law on Monday, the second day of January, A.D. 1899, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, and at the following places, being the places at which the election of the members of the council of the municipality will be held, and the following named persons shall be respectively deputy returning officers to take the said vote, namely :

St. Andrew's ward, at the council chamber in the town hall, Alexander Campbell, deputy returning officer.

St. Patrick's ward, at Carleton & Bayne's office, on west side of Queen street, Alexander Gordon, deputy returning officer.

St. George's ward, in the office adjoining (on the north side) George Bissett's brick block, on the west side of Queen street, owned by W. W. Davey, James H. Fleming, deputy returning officer.

St. John's ward, in Mrs. Culbert's building, formerly known as the Albion hotel, on the east side of Queen street, John Scott, deputy returning officer.

9. On Monday, the twenty-sixth day of December, A.D. 1898, the mayor of the said town shall attend at the council chamber in the town hall, at twelve o'clock noon, for the appointment of persons to attend at the different polling places and at the final summing up of the votes by the clerk of the said town respectively, on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10. The clerk of the council of the said town of Kincardine shall attend on Tuesday, the third day of January, A.D. 1899, at the hour of twelve o'clock noon, at the said council chamber in the town hall, and sum up the number of votes given for and against this by-law.

Passed in open council this thirteenth day of January, A.D. 1899.

(Sgd.)	D'WITT H. MARTIN,	{ Corporation }
	Mayor.	{ Seal. }
(Sgd.)	JOHN H. SCOUGALL,	
	Town Clerk.	

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Kincardine.

First Reading,	1899.
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(Private Bill.)

MR. MALCOLM.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.]

BILL.

[1899.

An Act respecting the Town of Kincardine.

WHEREAS the corporation of the town of Kincardine has Preamble.
by petition represented that the said corporation has passed a by-law No. 392 intituled "A by-law to provide funds for granting to the extent of \$4,000 a bonus by way of loan to Robert Hunter and Alexander Hunter of the town of Kincardine, steel bridge manufacturers and builders carrying on business in the said Town of Kincardine under the name style and firm of "Hunter Bros." for the purpose of enabling them to extend and increase their business of manufacturing and erecting steel bridges, and to increase their plant for such purposes and to aid them in their said manufacturing enterprise in the said town of Kincardine and to authorize the issue of debentures therefor"; wherein it was enacted that the said corporation might aid and assist Messrs. Hunter Bros., steel bridge manufacturers, by lending them the sum of \$4,000.00 to enable the said firm to extend and increase their said business for the manufacturing of steel bridges on certain conditions mentioned in said by-law, said loan to be repayable in ten years from the first day of January, 1899; and whereas ~~it~~ it is further represented that ~~there~~ there is no other similar industry established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and 159 of the ratepayers qualified to vote as aforesaid voted in favour of the said by-law being a majority of those qualified and who did vote on such by-law; ~~and~~ and whereas it appears that the number of ratepayers voting in

the affirmative on the said by-law was less than two-thirds of the qualified ratepayers as was required by the repealed provisions of *The Municipal Amendment Act of 1888*, respecting by-laws for granting aid to industrial enterprises; but in all other respects the said by-law is within the terms of the said repealed provisions; ^{and} and whereas the corporation has prayed that the said by-law may be confirmed and *that* the agreement entered into by the said Hunter Bros. for the performance of the conditions of the said by-law may be declared legal and valid; and whereas, ^{and} subject to the provisions of this Act, ^{and} it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

By-law No.
392 confirmed.

1. ^{and} Subject to the proviso contained in the second sub-section hereof, ^{and} the said by-law No. 392 of the corporation of the town of Kincardine intituled as in the preamble to this Act and set out in Schedule B to this Act, is hereby confirmed and declared to be valid and binding upon the said municipality from the time of the passing thereof to all intents and purposes notwithstanding any want of power or jurisdiction in the said municipal council to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is declared to have been authorized by said by-law No. 392 to grant aid by way of loan to the said Messrs. Hunter Bros. therein mentioned to the extent of \$4,000.00 repayable in ten years from the first day of January, 1899, or repayable sooner than that time as is provided for and in pursuance of the terms of said by-law, and the said agreement set out in schedule A to this Act is declared to be valid and binding and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 392 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law to be
again sub-
mitted to rate-
payers.

^{and} (2) Provided, however, that notwithstanding anything in this Act contained, this Act shall not become operative or take effect unless and until the said by-law shall be again submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act* and be approved by the vote in the affirmative of not less than two-thirds of the said ratepayers who are entitled to vote on money by-laws as aforesaid. ^{and}

SCHEDULE A.

THIS AGREEMENT made (in duplicate) the eighth day of December in the year of our Lord one thousand eight hundred and ninety-eight, between Robert Hunter and Alexander Hunter, both of the town of Kincardine in the county of Bruce, carrying on business as steel bridge manufacturers at said town, in co-partnership and under the name and style and firm of "Hunter Bros" (hereinafter called "Hunter Bros.") of the first part, and the corporation of the town of Kincardine (hereinafter called "The Corporation") of the second part.

Whereas the said Hunter Bros. are engaged in manufacturing steel bridges within the said town of Kincardine and are desirous of increasing and extending their said manufacturing industry and to increase the number of mechanics and others in their employ in said business and they have applied to the municipal council of the corporation for a loan of the sum of \$4,000.00 for a term of ten years with ut interest to be repayable in ten years as is hereinafter mentioned, and to be secured by a mortgage on the lands, buildings, machinery and other plant of the said Hunter Bros., as is hereinafter provided.

And whereas the said council have agreed to submit to the ratepayers of the said municipality for their assent a by-law to enable the corporation to issue debentures for said sum of \$4,000.00 and to loan the same to said Hunter Bros for the said period and for the purposes and on the conditions in said by-law mentioned, and should said by-law be assented to by a majority of the ratepayers of said municipality, entitled to and voting thereon, and afterwards confirmed and made valid by an Act of the Legislative Assembly of the Province of Ontario, that the said corporation would raise said sum by issuing debentures therefor and would loan the same to the said Hunter Bros. on the terms and conditions herein and in said by-law set forth.

Now this agreement witnesseth that the said Hunter Bros. for themselves, their executors, administrators and assigns do in consideration of the premises, covenant promise and agree with the said corporation, their successors and assigns, that they the said Hunter Bros., will, on the said loan being granted them by said corporation repay the same in ten years from the first day of January, 1899, as follows, in ten equal consecutive annual instalments of \$400.00 each, payable on the first day of January in each of the ten years next immediately succeeding the first day of January, 1899, the first of said annual payments to be paid on the first day of January, 1900, and that they the said Hunter Bros. will secure the repayment of said loan by a first mortgage (which shall be free of dower and encumbrance) on lot eight (8) a sub-division of lot eight (8) on the north side of Durham Street in the said town of Kincardine, and all other the lands, buildings, machinery and other plant owned by them, as also on any additional or other machinery or plant which at any time during the currency of said loan may be by them purchased or brought into said business or placed in said buildings or on said premises or which may be substituted for or replace any of the machinery or plant now or hereafter in use by them, and that said mortgage on said lands, buildings and fixtures shall be made in pursuance of *The Act respecting Short Forms of Mortgages*, and that the said mortgage on the said lands, buildings, machinery and other plant shall contain all the respective covenants, conditions and stipulations as is in the said by-law provided and directed to be inserted therein respectively.

And the said Hunter Bros do further covenant, promise, and agree with the said corporation that all the said moneys to be loaned them as aforesaid shall be paid, laid out and wholly expended by them in their said manufacturing business, and that no part or portion of the same shall

be applied, used or expended except in their said business as carried on by them within the said municipality.

And the said Hunter Bros., or their executors, administrators or successors in said business or their assigns, shall continuously and in each and every year during the currency of said loan keep employed in their said manufacturing business within said municipality at least ten competent men (exclusive of any member or members of the said firm of Hunter Bros., or of any firm or persons, partner or partners who may succeed them in carrying on said business, or who may at any time during said term enter into co-partnership with the said Hunter Bros., or any person or firm who may at any time during such period as aforesaid become a partner in said business and that they will in each and every year of said term of ten years pay out in wages to competent men employed by them in carrying on said manufacturing business the yearly sum of at least \$5,000.00 and that they will at the expiration of each and every year of said term of years and on or before the fifteenth day of January in each of the ten years immediately following the fifteenth day of January, 1899, and commencing on the fifteenth day of January, 1900, prepare and deliver to the Mayor of the said corporation a detailed statement or account of the wages actually paid out by them during the preceding year ending on the thirty-first day of December, showing the name or names of each man person or employee to whom wages have been paid during the year, and will verify said statement or account by a proper statutory declaration to be made by one of the members of the firm or their book-keeper or the person employed by them in keeping the account of the wages paid during each of the said years, and will, if required so to do by the resolution of the municipal council of the said corporation submit to the committee or person or persons appointed by them, whether members of said council or not, all or any of their books and accounts containing any entry or entries, statement or account of wages paid by them in any one or more years, and all vouchers, receipts or statements for or relating to such wages or payment of same, and it is expressly covenanted and agreed between said parties hereto that in the event of the failure or neglect of the said Hunter Bros., their executors or administrators or their successors or the persons for the time being carrying on or conducting said business, to comply with this agreement in any one year whether such annual verified statement has been asked for or required or not, or in the event of their neglect (after being required by the corporation) to submit their said books, accounts, vouchers, receipts and statements for inspection for the purpose aforesaid, or if on or after such inspection it be found that, or it should from the verified statements furnished by the said Hunter Bros., or any other person who ought to deliver the same, appear in any one year of said term, that the wages paid out to competent men as aforesaid during the year for which such statement is furnished is less than the sum of \$5,000.00 for the year, then and in either or any such event the corporation shall have the right to call in all the unpaid principal money, and the whole principal remaining unpaid shall then become payable, but the corporation may waive their right to call in the principal upon the happening of any such default and shall not be therefore debarred from asserting and exercising their right to call in the said unpaid principal on the happening of any such future default or breach of this agreement. And further, that the several conditions, provisions and stipulations in this agreement shall be embodied in and form part of the mortgage securities to be given by the said Hunter Bros. as is provided for in said by-law.

In witness whereof the said Messrs. Hunter Bros. have hereto set their hand and seals, and the said corporation have affixed their corporate seal attested by the hand of their Mayor the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) H. J. D. NAFTEL.	(Sgd.) HUNTER BROS. [L.S.] (Sgd.) D'WITT H. MARTYN, [Corporate Mayor. Seal of Town.]
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SCHEDULE B.

(By-Law No. 392.)

A BY-LAW to provide funds for granting to the extent of \$4,000.00 a bonus by way of loan to Robert Hunter and Alexander Hunter of the Town of Kincardine in the County of Bruce, steel bridge manufacturers and builders carrying on business in the said Town of Kincardine under (and in this by-law referred to by) the name style and firm of "Hunter Bros.," for the purpose of enabling them to extend and increase their business of manufacturing and erecting steel bridges and to increase their plant for such purpose and to aid them in their said manufacturing enterprises in the said Town of Kincardine, and to authorize the issue of debentures therefor.

Whereas, the said Hunter Bros. are now engaged in manufacturing steel bridges within the municipality and in erecting the same in different localities, and they are owners in fee of, and their said manufacturing business is situate on Lot Number Eight, being a sub division of Lot Number Eight on the north side of Durham street in the said Town of Kincardine, and are also owners of a large quantity of machinery and plant used by them in their said business and have laid out and expended large sums of money in the purchase of said lot, the buildings thereon and machinery and plant therein, and they have requested the Municipal Corporation of the said Town of Kincardine to aid and assist them in extending and increasing their said steel bridge manufacturing and building industry and so as to enable them to employ a greater number of mechanics and other workmen in the said business and in increasing their machinery and plant and other facilities for carrying on the said industry in the said Town of Kincardine by granting to them by way of a bonus a loan of the sum of \$4,000.00 for a term of ten years from the 1st day of January, 1899, without interest, to be repaid by them to the corporation in ten equal, consecutive, annual instalments of \$400.00 each, payable on the 1st day of January in each of the ten years next immediately succeeding the 1st day of January next, the first of said annual payments to be made on the 1st day of January, 1900, and which loan shall be secured by first mortgages (which shall be free of dower and encumbrances) on the said lands, buildings and machinery and other plant of the said Hunter Bros., and also on any additional or other machinery or plant which at any time while the said mortgages remain unsatisfied be purchased by them and brought into the said business or placed in the said buildings or on the said premises or which may be substituted for or replace any of the machinery or plant now in use by the said Hunter Bros. and which said mortgage on the said real estate and fixtures shall be prepared or made in pursuance of *The Act Respecting Short Forms of Mortgages*, and shall contain a bar of dower (if necessary) and the usual covenants contained in such mortgages, that is to say, for payment, title, right to convey, quiet possession on default, freedom from encumbrance, further assurance, that no act to encumber has been done, for insurance to extent of at least two-thirds the cash value of fixtures and buildings, a release of all claims subject to proviso for repayment, a power of sale on default for three months on one month's notice that until default mortgagors to have quiet possession; also a provision that if default be made in payment of any part of the principal, interest at five per cent. shall be payable on all arrears from default till payment, that on default of payment of any instalment of principal or any portion of the same for four months the whole of the principal secured by the said mortgage shall become due and payable and that on four months' default of any instalment of principal, or any portion of the same, the corporation may exercise the power of sale without any notice, or may from time to time dis-

train for any interest that may be payable on any principal in arrear for a period of over six months and a provision for allowing premature payment off of the mortgage in even of sale. And the said mortgage to be given on the said machinery and plant shall contain the usual full covenants and conditions contained or generally inserted in a Bill of Sale by way of Mortgage, and shall contain a proviso for insuring to the extent of two-thirds the cash value of the said plant and machinery and for renewal and assignment of the policies, and also a condition that until all moneys payable under or secured by the said chattel mortgage be fully paid and satisfied the said machinery and plant shall not, nor shall any part of the same be removed out of the said Town of Kincardine.

And whereas it is also a condition agreed to by the said Hunter Bros. in consideration of the said loan, that they shall continuously keep employed in their said business during the currency of such loan, at least ten competent men (exclusive of the members of the said firm) to whom they shall pay in wages the yearly sum of not less than \$5,000.00 in cash, which agreement shall be embodied in said mortgage.

And whereas the municipal corporation of the said town of Kincardine have resolved that for the promotion of manufactures within the said municipality it is advisable and expedient that, and they have consented and agreed (subject to the approval of the legislature of the Province of Ontario) to provide and loan to the said Hunter Bros., on the conditions mentioned in the recitals to this by-law, the said sum of \$4,000.00 by way of bonus for the purpose of aiding them in extending and increasing their said manufacturing business in the said municipality.

And whereas it will be requisite to raise by a special rate sufficient therefor on all the rateable property in the said municipality, in each of the years 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908, the sum of \$505.51, for the payment of the said loan of \$4,000.00 and interest thereon.

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, amounts to five hundred and eighty-one thousand five hundred and thirty-eight dollars.

And whereas the existing debenture debt of this municipality amounts to the sum of \$76,372.93, and no principal or interest is in arrear.

Be it therefore, and it is hereby, by the municipal council of the corporation of the town of Kincardine, enacted as follows :

1. That it shall be lawful for the mayor of the said town of Kincardine, and he is hereby authorized, for the purposes aforesaid to borrow the sum of four thousand dollars, and to issue and sign the debentures of the said municipal corporation to the said amount of \$4,000.00, in sums of not less than \$100.00 each, and which shall be payable in the manner for the amounts and at the times hereinafter more particularly mentioned, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

2. The said debentures shall have attached to them coupons for the payment of interest at the rate of four and one half per centum per annum, which coupons shall be signed by the mayor and treasurer of the said town and shall be made payable yearly on the thirtieth day of December in each and every year during the continuance of the said debentures.

3. The said debentures shall bear date on the ninth day of January, A. D. 1899.

4. The principal and interest on said debentures to be issued under this by-law, shall be payable within ten years from the said time of their issue, and both the said principal and interest shall be payable at the agency or branch of the Merchants Bank of Canada at the said town of Kincardine.

5. The first one of such debentures shall be made payable on the thirtieth day of December, A.D. 1899, and one debenture shall be made payable in each successive year thereafter on each thirtieth day of December, till all of the said debentures and the interest thereon are paid (so that the sum to be raised for principal and interest shall be as nearly as possible equal in each year) and the said debentures shall be payable as follows, that is to say :

YEAR.	INTEREST.	PRINCIPAL.	ANNUAL AMOUNT.
1899	\$180 00	\$325 51	\$505 51
1900	165 35	340 16	505 51
1901	150 04	355 47	505 51
1902	134 04	371 47	505 51
1903	117 33	388 18	505 51
1904	99 86	405 65	505 51
1905	81 60	423 91	505 51
1906	62 53	442 98	505 51
1907	42 59	462 92	505 51
1908	21 76	483 75	505 51

6. There shall be levied and raised annually during the currency of the said debentures, or any of them, on the whole rateable property in the said municipality, by a special rate (over and above all other rates) for the payment of the said sum of four thousand dollars and the interest payable thereon as in the preceding section of this by-law set forth, the sum of five hundred and five dollars and fifty-one cents;

7. This by-law shall take effect on the thirteenth day of January, A.D. 1899.

8. The votes of the electors of the municipality shall be taken on this by-law on Monday, the second day of January, A.D. 1899, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, and at the following places, being the places at which the election of the members of the council of the municipality will be held, and the following named persons shall be respectively deputy returning officers to take the said vote, namely :

St. Andrew's ward, at the council chamber in the town hall, Alexander Campbell, deputy returning officer.

St. Patrick's ward, at Carleton & Bayne's office, on west side of Queen street, Alexander Gordon, deputy returning officer.

St. George's ward, in the office adjoining (on the north side) George Bissett's brick block, on the west side of Queen street, owned by W. W. Davey, James H. Flenning, deputy returning officer.

St. John's ward, in Mrs. Culbert's building, formerly known as the Albion hotel, on the east side of Queen street, John Scott, deputy returning officer.

9. On Monday, the twenty-sixth day of December, A.D. 1898, the mayor of the said town shall attend at the council chamber in the town hall, at twelve o'clock noon, for the appointment of persons to attend at the different polling places and at the final summing up of the votes by the clerk of the said town respectively, on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10. The clerk of the council of the said town of Kincardine shall attend on Tuesday, the third day of January, A.D. 1899, at the hour of twelve o'clock noon, at the said council chamber in the town hall, and sum up the number of votes given for and against this by-law.

Passed in open council this thirteenth day of January, A.D. 1899.

(Sgd.)	D'WITT H. MARTIN,	{ Corporation }
	Mayor.	{ Seal. }
(Sgd.)	JOHN H. SCOUGALL,	
	Town Clerk.	

2nd Session, 9th Legislature, 62 Vict. 1899

BILL.

An Act respecting the Town of Kincardine.

First Reading, 23rd February, 1899.

*Reprinted as amended by Private Bills
(Committee.)*

MR. MALCOLM.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 70.]

BILL.

[1899.

An Act respecting the Town of Kincardine.

WHEREAS the *municipal* corporation of the town of Kincardine has by petition represented that the said corporation has passed a by-law No. 392 intituled "A by-law to provide funds for granting to the extent of \$4,000 a bonus by way of loan to Robert Hunter and Alexander Hunter of the town of Kincardine, steel bridge manufacturers and builders carrying on business in the said Town of Kincardine under the name style and firm of "Hunter Bros." for the purpose of enabling them to extend and increase their business of manufacturing and erecting steel bridges, and to increase their plant for such purposes and to aid them in their said manufacturing enterprise in the said town of Kincardine and to authorize the issue of debentures therefor"; wherein it was enacted that the said corporation might aid and assist Messrs. Hunter Bros., steel bridge manufacturers, by lending them the sum of \$4,000.00 to enable the said firm to extend and increase their said business for the manufacturing of steel bridges on certain conditions mentioned in said by-law, said loan to be repayable in ten years from the first day of January, 1899; and whereas ^{1st} it is further represented that ^{2nd} there is no other similar industry established within the limits of the said corporation; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act*, and 159 of the ratepayers qualified to vote as aforesaid voted in favour of the said by-laws being a majority of those qualified and who did vote on such by-law; ^{3rd} and whereas it appears that the number of ratepayers voting in

Preamble.

the affirmative on the said by-law was less than two-thirds of the qualified ratepayers as was required by the repealed provisions of *The Municipal Amendment Act of 1888*, respecting by-laws for granting aid to industrial enterprises; but in all other respects the said by-law is within the terms of the said repealed provisions; ^{and} and whereas the corporation has prayed that the said by-law may be confirmed and *that* the agreement entered into by the said Hunter Bros. for the performance of the conditions of the said by-law may be declared legal and valid; and whereas, ^{and} subject to the provisions of this Act, ^{and} it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
392 confirmed.

1. ^{and} Subject to the proviso contained in the second sub-section hereof, ^{and} the said by-law No. 392 of the corporation of the town of Kincardine intituled as in the preamble to this Act and set out in Schedule B to this Act, is hereby confirmed and declared to be valid and binding upon the said municipality from the time of the passing thereof to all intents and purposes notwithstanding any want of power or jurisdiction in the said municipal council to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same, and the said corporation is declared to have been authorized by said by-law No. 392 to grant aid by way of loan to the said Messrs. Hunter Bros. therein mentioned to the extent of \$4,000 repayable in ten years from the first day of January, 1899, or repayable sooner than that time as is provided for and in pursuance of the terms of said by-law, and the said agreement set out in schedule A to this Act is declared to be valid and binding and all acts done or to be done and all payments made or to be made by the said corporation pursuant to the said by-law No. 392 are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law to be
again sub-
mitted to rate-
payers.

^{and} (2) Provided, however, that notwithstanding anything in this Act contained, this Act shall not become operative or take effect unless and until the said by-law shall be again submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Municipal Act* and be approved by the vote in the affirmative of not less than two-thirds of the said ratepayers who are entitled to vote on money by-laws as aforesaid. ^{and}

^{and} (3) Provided further that the notice of taking the vote of the ratepayers to be published as provided by *The Municipal Act* instead of setting forth the by-law in full shall be sufficient for all purposes if setting forth the number and title of said by-law. ^{and}

SCHEDULE A.

THIS AGREEMENT made (in duplicate) the eighth day of December, in the year of our Lord one thousand eight hundred and ninety-eight, between Robert Hunter and Alexander Hunter, both of the town of Kincardine in the county of Bruce, carrying on business as steel bridge manufacturers at said town, in co-partnership and under the name and style and firm of "Hunter Bros." (hereinafter called "Hunter Bros.") of the first part, and the corporation of the town of Kincardine (hereinafter called "The Corporation") of the second part.

Whereas the said Hunter Bros. are engaged in manufacturing steel bridges within the said town of Kincardine and are desirous of increasing and extending their said manufacturing industry and to increase the number of mechanics and others in their employ in said business and they have applied to the municipal council of the corporation for a loan of the sum of \$4,000.00 for a term of ten years without interest to be repayable in ten years as is hereinafter mentioned, and to be secured by a mortgage on the lands, buildings, machinery and other plant of the said Hunter Bros., as is hereinafter provided.

And whereas the said council have agreed to submit to the ratepayers of the said municipality for their assent a by-law to enable the corporation to issue debentures for said sum of \$4,000.00 and to loan the same to said Hunter Bros. for the said period and for the purposes and on the conditions in said by-law mentioned, and should said by-law be assented to by a majority of the ratepayers of said municipality, entitled to and voting thereon, and afterwards confirmed and made valid by an Act of the Legislative Assembly of the Province of Ontario, that the said corporation would raise said sum by issuing debentures therefor and would loan the same to the said Hunter Bros. on the terms and conditions herein and in said by-law set forth.

Now this agreement witnesseth that the said Hunter Bros. for themselves, their executors, administrators and assigns do in consideration of the premises, covenant promise and agree with the said corporation, their successors and assigns, that they the said Hunter Bros., will, on the said loan being granted them by said corporation repay the same in ten years from the first day of January, 1899, as follows, in ten equal consecutive annual instalments of \$400.00 each, payable on the first day of January in each of the ten years next immediately succeeding the first day of January, 1899, the first of said annual payments to be paid on the first day of January, 1900, and that they the said Hunter Bros. will secure the repayment of said loan by a first mortgage (which shall be free of dower and encumbrance) on lot eight (8) a sub-division of lot eight (8) on the north side of Durham Street in the said town of Kincardine, and all other the lands, buildings, machinery and other plant owned by them, as also on any additional or other machinery or plant which at any time during the currency of said loan may be by them purchased or brought into said business or placed in said buildings or on said premises or which may be substituted for or replace any of the machinery or plant now or hereafter in use by them, and that said mortgage on said lands, buildings and fixtures shall be made in pursuance of *The Act respecting Short Forms of Mortgages*, and that the said mortgage on the said lands, buildings, machinery and other plant shall contain all the respective covenants, conditions and stipulations as is in the said by-law provided and directed to be inserted therein respectively.

And the said Hunter Bros. do further covenant, promise and agree with the said corporation that all the said moneys to be loaned them as aforesaid shall be paid, laid out and wholly expended by them in their said manufacturing business, and that no part or portion of the same shall

be applied, used or expended except in their said business as carried on by them within the said municipality.

And the said Hunter Bros., or their executors, administrators or successors in said business or their assigns, shall continuously and in each and every year during the currency of said loan keep employed in their said manufacturing business within said municipality at least ten competent men (exclusive of any member or members of the said firm of Hunter Bros., or of any firm or persons, partner or partners who may succeed them in carrying on said business, or who may at any time during said term enter into co-partnership with the said Hunter Bros., or any person or firm who may at any time during such period as aforesaid become a partner in said business and that they will in each and every year of said term of ten years pay out in wages to competent men employed by them in carrying on said manufacturing business the yearly sum of at least \$5,000.00 and that they will at the expiration of each and every year of said term of years and on or before the fifteenth day of January in each of the ten years immediately following the fifteenth day of January, 1899, and commencing on the fifteenth day of January, 1900, prepare and deliver to the Mayor of the said corporation a detailed statement or account of the wages actually paid out by them during the preceding year ending on the thirty-first day of December, showing the name or names of each man, person or employee to whom wages have been paid during the year, and will verify said statement or account by a proper statutory declaration to be made by one of the members of the firm or their book-keeper or the person employed by them in keeping the account of the wages paid during each of the said years, and will, if required so to do by the resolution of the municipal council of the said corporation submit to the committee or person or persons appointed by them, whether members of said council or not, all or any of their books and accounts containing any entry or entries, statement or account of wages paid by them in any one or more years, and all vouchers, receipts or statements for or relating to such wages or payment of same, and it is expressly covenanted and agreed between said parties hereto that in the event of the failure or neglect of the said Hunter Bros., their executors or administrators or their successors or the persons for the time being carrying on or conducting said business, to comply with this agreement in any one year whether such annual verified statement has been asked for or required or not, or in the event of their neglect (after being required by the corporation) to submit their said books, accounts, vouchers, receipts and statements for inspection for the purpose aforesaid, or if on or after such inspection it be found that, or it should from the verified statements furnished by the said Hunter Bros., or any other person who ought to deliver the same, appear in any one year of said term, that the wages paid out to competent men as aforesaid during the year for which such statement is furnished is less than the sum of \$5,000.00 for the year, then and in either or any such event the corporation shall have the right to call in all the unpaid principal money, and the whole principal remaining unpaid shall then become payable, but the corporation may waive their right to call in the principal upon the happening of any such default and shall not be therefore debarred from asserting and exercising their right to call in the said unpaid principal on the happening of any such future default or breach of this agreement. And further, that the several conditions, provisions and stipulations in this agreement shall be embodied in and form part of the mortgage securities to be given by the said Hunter Bros. as is provided for in said by-law.

In witness whereof the said Messrs. Hunter Bros. have hereto set their hand and seals, and the said corporation have affixed their corporate seal attested by the hand of their Mayor the day and year first above written.

Signed, sealed and delivered in the presence of (Sgd.) H. J. D. NAFFTEL.	} (Sgd.) HUNTER BROS. [L.S.] (Sgd.) D'WITT H. MARTYN, [Corporate Mayor. Seal of Town.]
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SCHEDULE B.

(By-Law No. 392.)

A BY-LAW to provide funds for granting to the extent of \$4,000.00 a bonus by way of loan to Robert Hunter and Alexander Hunter of the Town of Kincardine in the County of Bruce, steel bridge manufacturers and builders carrying on business in the said Town of Kincardine under (and in this by-law referred to by) the name style and firm of "Hunter Bros.," for the purpose of enabling them to extend and increase their business of manufacturing and erecting steel bridges and to increase their plant for such purposes; and to aid them in their said manufacturing enterprises in the said Town of Kincardine, and to authorize the issue of debentures therefor.

Whereas, the said Hunter Bros. are now engaged in manufacturing steel bridges within the municipality and in erecting the same in different localities, and they are owners in fee of, and their said manufacturing business is situate on Lot Number Eight, being a sub-division of Lot Number Eight on the north side of Durham street in the said Town of Kincardine, and are also owners of a large quantity of machinery and plant used by them in their said business and have laid out and expended large sums of money in the purchase of said lot, the buildings thereon and machinery and plant therein, and they have requested the Municipal Corporation of the said Town of Kincardine to aid and assist them in extending and increasing their said steel bridge manufacturing and building industry and so as to enable them to employ a greater number of mechanics and other workmen in the said business and in increasing their machinery and plant and other facilities for carrying on the said industry in the said Town of Kincardine by granting to them by way of a bonus a loan of the sum of \$4,000.00 for a term of ten years from the 1st day of January, 1899, without interest, to be repaid by them to the corporation in ten equal, consecutive, annual instalments of \$400.00 each, payable on the 1st day of January in each of the ten years next immediately succeeding the 1st day of January next, the first of said annual payments to be made on the 1st day of January, 1900, and which loan shall be secured by first mortgages (which shall be free of dower and encumbrances) on the said lands, buildings and machinery and other plant of the said Hunter Bros., and also on any additional or other machinery or plant which at any time while the said mortgages remain unsatisfied be purchased by them and brought into the said business or placed in the said buildings or on the said premises or which may be substituted for or replace any of the machinery or plant now in use by the said Hunter Bros. and which said mortgage on the said real estate and fixtures shall be prepared or made in pursuance of *The Act Respecting Short Forms of Mortgages*, and shall contain a bar of dower (if necessary) and the usual covenants contained in such mortgages, that is to say, for payment, title, right to convey, quiet possession on default, freedom from encumbrance, further assurance, that no act to encumber has been done, for insurance to extent of at least two-thirds the cash value of fixtures and buildings, a release of all claims subject to proviso for repayment, a power of sale on default for three months on one month's notice that until default mortgagors to have quiet possession; also a provision that if default be made in payment of any part of the principal, interest at five per cent. shall be payable on all arrears from default till payment, that on default of payment of any instalment of principal or any portion of the same for four months the whole of the principal secured by the said mortgage shall become due and payable and that on four months' default of any instalment of principal, or any portion of the same, the corporation may exercise the power of sale without any notice, or may from time to time dis-

train for any interest that may be payable on any principal in arrear for a period of over six months and a provision for allowing premature payment off of the mortgage in event of sale. And the said mortgage to be given on the said machinery and plant shall contain the usual full covenants and conditions contained or generally inserted in a Bill of Sale by way of Mortgage, and shall contain a proviso for insuring to the extent of two-thirds the cash value of the said plant and machinery and for renewal and assignment of the policies, and also a condition that until all moneys payable under or secured by the said chattel mortgage be fully paid and satisfied the said machinery and plant shall not, nor shall any part of the same be removed out of the said Town of Kincardine.

And whereas it is also a condition agreed to by the said Hunter Bros. in consideration of the said loan, that they shall continuously keep employed in their said business during the currency of such loan, at least ten competent men (exclusive of the members of the said firm) to whom they shall pay in wages the yearly sum of not less than \$5,000.00 in cash, which agreement shall be embodied in said mortgage.

And whereas the municipal corporation of the said town of Kincardine have resolved that for the promotion of manufactures within the said municipality it is advisable and expedient that, and they have consented and agreed (subject to the approval of the legislature of the Province of Ontario) to provide and loan to the said Hunter Bros. on the conditions mentioned in the recitals to this by-law, the said sum of \$4,000.00 by way of bonus for the purpose of aiding them in extending and increasing their said manufacturing business in the said municipality.

And whereas it will be requisite to raise by a special rate sufficient therefor on all the rateable property in the said municipality, in each of the years 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907 and 1908, the sum of \$505.51, for the payment of the said loan of \$4,000.00 and interest thereon.

And whereas the amount of the whole rateable property of the said municipality, according to the last revised assessment roll, amounts to five hundred and eighty-one thousand five hundred and thirty-eight dollars.

And whereas the existing debenture debt of this municipality amounts to the sum of \$76,372.93, and no principal or interest is in arrear.

Be it therefore, and it is hereby, by the municipal council of the corporation of the town of Kincardine, enacted as follows :

1. That it shall be lawful for the mayor of the said town of Kincardine, and he is hereby authorized, for the purposes aforesaid to borrow the sum of four thousand dollars, and to issue and sign the debentures of the said municipal corporation to the said amount of \$4,000 00, in sums of not less than \$100.00 each, and which shall be payable in the manner for the amounts and at the times hereinafter more particularly mentioned, and the clerk of the said municipality is hereby authorized and instructed to attach the seal of the said municipality to the said debentures.

2. The said debentures shall have attached to them coupons for the payment of interest at the rate of four and one half per centum per annum, which coupons shall be signed by the mayor and treasurer of the said town, and shall be made payable yearly on the thirtieth day of December in each and every year during the continuance of the said debentures.

3. The said debentures shall bear date on the ninth day of January, A.D. 1899.

4. The principal and interest on said debentures to be issued under this by-law, shall be payable within ten years from the said time of their issue, and both the said principal and interest shall be payable at the agency or branch of the Merchants Bank of Canada at the said town of Kincardine.

5. The first one of such debentures shall be made payable on the thirtieth day of December, A.D. 1899, and one debenture shall be made payable in each successive year thereafter on each thirtieth day of December, till all of the said debentures and the interest thereon are paid (so that the sum to be raised for principal and interest shall be as nearly as possible equal in each year) and the said debentures shall be payable as follows, that is to say :

YEAR.	INTEREST.	PRINCIPAL.	ANNUAL AMOUNT.
1899	\$180 00	\$325 51	\$505 51
1900	165 35	340 16	505 51
1901	150 04	355 47	505 51
1902	134 04	371 47	505 51
1903	117 33	388 18	505 51
1904	99 86	405 65	505 51
1905	81 60	423 91	505 51
1906	62 53	442 98	505 51
1907	42 59	462 92	505 51
1908	21 76	483 75	505 51

6. There shall be levied and raised annually during the currency of the said debentures, or any of them, on the whole rateable property in the said municipality, by a special rate (over and above all other rates) for the payment of the said sum of four thousand dollars and the interest payable thereon as in the preceding section of this by-law set forth, the sum of five hundred and five dollars and fifty-one cents;

7. This by-law shall take effect on the thirteenth day of January, A.D. 1899.

8. The votes of the electors of the municipality shall be taken on this by-law on Monday, the second day of January, A.D. 1899, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, and at the following places, being the places at which the election of the members of the council of the municipality will be held, and the following named persons shall be respectively deputy returning officers to take the said vote, namely :

St. Andrew's ward, at the council chamber in the town hall, Alexander Campbell, deputy returning officer.

St. Patrick's ward, at Carleton & Bayne's office, on west side of Queen street, Alexander Gordon, deputy returning officer.

St. George's ward, in the office adjoining (on the north side) George Bissett's brick block, on the west side of Queen street, owned by W. W. Davey, James H. Fleming, deputy returning officer.

St. John's ward, in Mrs. Culbert's building, formerly known as the Albion hotel, on the east side of Queen street, John Scott, deputy returning officer.

9. On Monday, the twenty-sixth day of December, A.D. 1898, the mayor of the said town shall attend at the council chamber in the town hall, at twelve o'clock noon, for the appointment of persons to attend at the different polling places and at the final summing up of the votes by the clerk of the said town respectively, on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10. The clerk of the council of the said town of Kincardine shall attend on Tuesday, the third day of January, A.D. 1899, at the hour of twelve o'clock noon, at the said council chamber in the town hall, and sum up the number of votes given for and against this by-law.

Passed in open council this thirteenth day of January, A.D. 1899.

(Sgd.) D'WITT H. MARTIN, { Corporation }
Mayor. { Seal. }

(Sgd.) JOHN H. SCUGALL,
Town Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act respecting the Town of Kincardine.

First Reading, 23rd February, 1899.
Second Reading, 17th March, 1899.

*(Reprinted as amended by Committee of
the Whole House.)*

MR. MALCOLM.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 71.]

BILL

[1899.]

An Act Respecting the City of Ottawa.

WHEREAS a petition has been presented praying that it Preamble.
may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in chap. 246 of the Revised Statutes of Ontario, entitled *An Act to Prevent the Profanation of the Lord's Day*, or in chapter 209 of the Revised Statutes of Ontario entitled *An Act respecting Electric Railways*, it shall be lawful for the municipal corporation of the City of Ottawa to authorize the running of street cars on Sunday in the City of Ottawa, by any street car, tramway or electric railway company which is now or may hereafter be operating in the said City of Ottawa, upon such terms and subject to such conditions as may seem proper to the council of the said corporation, and to regulate the same by by-law. Authority to run street cars on Sunday

2. Notwithstanding anything contained in chap. 223 of the Revised Statutes of Ontario, entitled *An Act Respecting Municipal Institutions*, the municipal council of the City of Ottawa for the year 1900, and for each succeeding year thereafter, shall consist of two aldermen for each ward in the said city, instead of three, as heretofore. Number of aldermen for each ward limited to two.

Authority to
make agree-
ments or
amalgamate
with other
companies.

3. At the municipal elections to be held in the said City of Ottawa on the first Monday in the year 1900 there shall be elected two aldermen for each ward in the said city, one of whom shall hold office for a term of two years, but the other shall retire at the end of one year, the manner of such retire- 5
ment to be arranged by agreement or lot between the aldermen so elected for each ward, and thereafter the alderman elected to represent each ward in the said City of Ottawa, shall hold office for a term of two years, one retiring each year, but every member of the said council shall hold office until his successor is elected.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act Respecting the City of Ottawa.

First Reading.	1899.
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(Private Bill.)

Mr. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 71.]

BILL

[1899.]

An Act respecting the City of Ottawa.

WHEREAS a petition has been presented praying that it ^{Preamble.} may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in chap. 246 of the Revised Statutes of Ontario, entitled *An Act to Prevent the Profanation of the Lord's Day*, ^{or} in any other Act of the Legislature of the Province of Ontario ^{it shall be lawful} for any street car, tramway or electric railway company which is now or may hereafter be operating in the City of Ottawa, ^{to run its cars and collect fares on Sundays in the said city,} but only ^{upon such terms and subject to such conditions as may seem proper to the} Municipal Council of the Corporation of the said city, and the said council may regulate the same by by-law. ^{Authority to run street cars on Sunday.}

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act Respecting the City of Ottawa.

First Reading, 21st February, 1899.

*(Reprinted as Amended by Private Bills
Committee).*

MR. LUMSDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 71.]

BILL

[1899.

An Act respecting the City of Ottawa.

WHEREAS a petition has been presented praying that it Preamble.
may be enacted as hereinafter set forth; ~~and~~ and whereas
it has been made to appear that a vote of the electors of the
City of Ottawa having been taken a large majority voted in
favor of the provisions of this Act ~~and~~ and whereas it is ex-
pedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding anything contained in chap. 246 of the Revised Statutes of Ontario, entitled *An Act to Prevent the Profanation of the Lord's Day*, ~~or~~ or in any other Act of the Legislature of the Province of Ontario ~~it~~ it shall be lawful for any street car, tramway or electric railway company which is now or may hereafter be operating in the City of Ottawa, ~~when~~ when authorized thereto by by-law of the municipal council of the said city to run its cars and collect fares on Sundays in the said city and within one and a half miles from the limits of the said city but only ~~upon~~ upon such terms and subject to such conditions as may seem proper to the ~~Municipal~~ Municipal Council of the said city, and the said council may regulate the same by by-law; ~~and~~

Authority to run street cars on Sunday.

~~Provided~~ Provided, however, that nothing herein contained shall be deemed to confer powers which are inconsistent or in con-

flict with any provisions or restrictions contained in any charter granted or Act passed by the Parliament of Canada affecting any company now operating or which may hereafter operate a street railway within the limits of the said city; ~~the~~

~~As~~ Provided, further, that this Act and any by-law or by-laws which may be passed under the authority hereof are and shall be subject to any amendments of the said Revised Statutes, chaptered 246, which may hereafter be passed by this Legislature; ~~As~~

~~As~~ Provided, further, that it shall not be lawful for the said company to require any of its employees to work on more than six days per week, but every employee of the company shall be entitled to a full Sunday or other day of twenty-four hours, consecutive hours without labour unless in the case of accident or unusual storm, when temporary additional work is actually necessary; and in the event of any such employees working on more than six days per week at the demand, request, or with the consent of the company, such employees shall be entitled to have twenty-five per cent. of their wages added to their usual pay for such overtime. Nothing in this proviso, however, shall prevent the superintendent of the road and one assistant, the electrician of the road and one assistant, the chief engineer and one assistant, and the roadmasters not to exceed six in number, engaging in the necessary work of the company for parts of the seven days of the week. ~~the~~

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act Respecting the City of Ottawa.

First Reading, 21st February, 1899.
Second Reading, 15th March, 1899.

*(Reprinted as Amended by Committee of
the Whole House.)*

Mr. LUMSDEN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 72.]

BILL.

[1899.

An Act Respecting the Village of Merrickville.

WHEREAS the corporation of the municipality of the Preamble.
village of Merrickville have petitioned for authority
to appropriate to the general purposes of the corporation
aforesaid the sum of \$1,555.40 levied during the years 1895
5 and 1896, under by-law number 214, passed 11th day of April,
1894, entitled "A by-law to provide for aiding and assisting
the Kingston, Smith's Falls and Ottawa Railway Company,"
by granting to the said company the sum of ten thousand
dollars by way of a bonus, and to authorize the levying of a
10 special rate by the corporation of the village of Merrickville
for the payment thereof; and whereas the said by-law has
been duly assented to by the ratepayers of the said corpo-
ration as required by law, and debentures have been issued in
pursuance thereof, which debentures, however, have never
15 been negotiated, but remain in the possession of the said
corporation; and whereas the said bonus by way of aid to
said railway company was granted upon condition that said
railway should be constructed and completed on or before
January 1st, 1898, and upon other conditions set forth in said
20 by-law; and whereas the construction of said railway has
never been commenced, and none of said conditions have been
fulfilled by said railway company, and no extension of time
for fulfilment thereof has been granted; and whereas the said
corporation have asked to have it declared that said company
25 have forfeited all claim to said bonus, and to be relieved from
the further levy and collection of rates for the payment
thereof, and have asked for authority to cancel and destroy

said debentures, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

5

Bonus to
Railway Co.
forfeited.

1. The municipal corporation of the village of Merrickville are hereby authorized to apply to the general purposes of said corporation the sum of \$1,555.40 levied under said by-law number 214 of said corporation, and it is hereby declared that the said railway company have forfeited all claims to said bonus, and the said corporation are hereby relieved from the further levy and collection of moneys thereunder, and are authorized to cancel and destroy said debentures. 10

SCHEDULE A.

BY-LAW No. 214.

A BY-LAW to provide for aiding and assisting the Kingston, Smith Falls and Ottawa Railway Company, by granting to the said company the sum of ten thousand dollars by way of a bonus, and to authorize the levying of a special rate by the corporation of the village of Merrickville for the payment thereof.

Whereas an application has been made to the corporation of the village of Merrickville to aid the Kingston, Smith's Falls and Ottawa Railway Company by way of a bonus to the amount of ten thousand dollars (10,000 00) towards the construction of, and on condition of its building the said railway by way of the village of Merrickville, and

Whereas it is deemed expedient to grant the same, and

Whereas for such purpose it is necessary for the said corporation to issue debentures to the amount of ten thousand dollars in the manner hereinafter appearing, and to provide for the payment of the same, and interest thereon within a period of twenty years from the thirty-first day of December, A.D. 1894, and

Whereas for such purpose it is necessary for the said municipality to raise the sum of ten thousand dollars in the manner hereinafter set forth, and

Whereas it will require the sum of seven hundred and seventy-two dollars and seventy cents to be raised annually by special rate in order to make the equal annual payments of principal and interest required to pay the said sum within the time specified, and

Whereas the amount of the rateable property of the said municipality irrespective of any future increase of the same, according to the last revised assessment roll thereof, being for the year 1893, is two hundred and eighty-three thousand three hundred dollars (\$283,300.00).

And whereas the existing debenture debt of the said municipality is for principal and interest (\$7,700.00) seven thousand seven hundred dollars, of which none is in arrear, and

Whereas for paying the principal and interest of the debt hereby created by equal annual instalments it will require an equal annual special rate on the dollar sufficient to raise said sum of \$772.70, in addition to all other rates to be levied in each year.

Be it therefore enacted by the corporation of the village of Merrickville, and it is hereby enacted that the sum of ten thousand dollars (\$10,000.00) be raised for the purpose aforesaid, and subject to the terms and conditions hereinafter mentioned, and in order to raise such sum the Municipal Council of the village of Merrickville shall issue debentures of the said corporation to the amount of ten thousand dollars as aforesaid, each debenture to be for not less than one hundred dollars, and to be sealed with the corporation seal of the municipality and signed by the reeve and treasurer of the said municipality; that the said debentures shall be payable within twenty years after this by-law shall come into force in the amounts and at the times following, that is to say:

\$300.00 thereof on the 31st day of December, A.D. 1895.

\$300.00 thereof on the 31st day of December, A.D. 1896.

\$300.00 thereof on the 31st day of December, A.D. 1897.

\$400.00 thereof on the 31st day of December, A.D. 1898.

\$400.00 thereof on the 31st day of December, A.D. 1899.

\$400.00 thereof on the 31st day of December, A.D. 1900.

\$400.00 thereof on the 31st day of December, A.D. 1901.

\$400.00 thereof on the 31st day of December, A.D. 1902.

\$400.00 thereof on the 31st day of December, A.D. 1903.

\$500.00 thereof on the 31st day of December, A.D. 1904.

\$500.00 thereof on the 31st day of December, A.D. 1905.

\$500.00 thereof on the 31st day of December, A.D. 1906.

\$500.00 thereof on the 31st day of December, A.D. 1907.

\$600.00 thereof on the 31st day of December, A.D. 1908.

\$600.00 thereof on the 31st day of December, A.D. 1909.

\$600.00 thereof on the 31st day of December, A.D. 1910.

\$700.00 thereof on the 31st day of December, A.D. 1911.

\$700.00 thereof on the 31st day of December, A.D. 1912.

\$700.00 thereof on the 31st day of December, A.D. 1913.

And the residue, \$800.00 thereof on the 31st day of December, A.D. 1914.

And such debentures shall be payable at the office of the treasurer of the said village of Merrickville.

The said debentures shall bear interest at the rate of four and one-half per centum per annum from the 31st day of December, A.D. 1894, and such interest shall be payable yearly on the 31st day of December of each year at the office of the treasurer of the said village of Merrickville, and such debentures shall have coupons attached thereto for the interest thereon, for the purpose of paying the debt hereby created and interest thereon by equal annual instalments within twenty years from the 31st day of December, A.D. 1894, there shall be assessed, levied and collected, in addition to all other rates in each year during the currency thereof, the sum of seven hundred and seventy-two dollars and seventy cents upon the whole rateable property of the said village of Merrickville by an equal special rate sufficient therefor.

The council shall dispose of the said debentures and pay over to the said railway company the said sum of ten thousand dollars (less the expenses of passing this by-law) immediately after the completion (to the satisfaction of their government inspecting engineer) of their railway road between Kingston and Ottawa via Merrickville and commencing to operate the same, which shall not be later than the first day of January, A.D. 1898, and subject also to the following conditions, viz.:

(a) The said company to erect and maintain suitable passenger and freight station buildings within the corporation limits, at no greater distance than from the Rideau River northwards, bounded on the west by a due north line crossing one hundred and fifty yards west of the Canadian Pacific

Railway station, and terminating one hundred and fifty yards north of the C.P.R. limits, and on the east by a due north line crossing four hundred yards east of the same station, and terminating two hundred and fifty yards north of the C.P.R. limits.

(b) Upon the said railway company agreeing to be competitive with the Canadian Pacific Railway, and that on freight and passengers to and from all Grand Trunk Railway points no greater amount shall be charged than would be charged by the Grand Trunk Railway Company for like distances between points in its lines similarly situated for similar services where said company (the G. T. Ry.) is in competition with the Canadian Pacific Railway.

(c) That all regular passenger trains shall stop at the village of Merrickville.

(d) That the sums authorized to be levied and collected under the provisions of *The Consolidated Municipal Act* of 1892 (Ont. Stat.), and especially section 340 and sub-sections thereof, for principal up to the time hereinbefore provided for payment of the said bonus of ten thousand dollars as aforesaid, shall be deposited in the Union Bank of Canada to be paid over to the said railway company upon the completion as aforesaid of the said road.

(e) That this municipality shall retain the amount authorized to be levied and collected under the provisions of the said *Municipal Act* as consolidated, and especially the section and sub-sections above referred to for interest, together with the interest on the amounts deposited in the Union Bank of Canada as before provided up to the time hereinbefore provided for payment of the said bonus.

(f) The conditions and terms herein set forth are to apply to and bind lessees or purchasers in the event of a transfer of the said railway at any time by the original holders or owners thereof.

That the votes of the electors of the said village of Merrickville entitled to vote on this by-law shall be taken on the 24th day of March, 1894, commencing at nine o'clock on the morning and continuing until five o'clock in the afternoon, at the polling places and by the deputy returning officers herein named, as follows:—

Polling sub-division No. 1, at the town hall, Merrickville, by W. H. McCrea.

Polling sub-division No. 2, in Allen Brown's block in St. Lawrence street, by John Kerr.

That the 19th day of March, 1894, at two o'clock in the afternoon, at the office of the clerk of the council in the village of Merrickville, is fixed as the time and place for the appointment of persons to attend at the various polling places and at the time of the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

That the 27th day of March, 1894, at the hour of ten o'clock in the forenoon, at the said clerk's office, is fixed as the time and place where the said clerk shall sum up the number of votes given for and against this by-law.

That this by-law shall come into force on the thirty-first day of December, A.D. 1894

First publication on the first day of March, A. D., 1894.

Given under the corporate seal of the said corporation of the village of Merrickville and under the hands of the reeve and clerk thereof this 11th day of April, A.D. 1894.

Signed,
JOHN MILLS,
Reeve.

Certified,
WILLIAM H. MCCREA,
Clerk.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the village of Merrick-
ville.

First Reading.

1899.

(Private Bill)

MT. JOYNT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 72.]

BILL.

[1899.

An Act respecting the Village of Merrickville.

WHEREAS the *municipal* corporation of the village Preamble.
of Merrickville have petitioned for authority to appropriate to the general purposes of the corporation aforesaid the sum of \$1,555.40 levied during the years 1895 and 1896, under by-law number 214, passed 11th day of April, 1894, entitled "A by-law to provide for aiding and assisting the Kingston, Smith's Falls and Ottawa Railway Company," by granting to the said company the sum of \$10,000 by way of a bonus, and to authorize the levying of a special rate by the Corporation of the Village of Merrickville for the payment thereof; and whereas the said by-law has been duly assented to by the ratepayers of the said corporation as required by law, and debentures have been issued in pursuance thereof, which debentures, however, have never been negotiated, but remain in the possession of the said corporation; and whereas the said bonus by way of aid to said railway company was granted upon condition that said railway should be constructed and completed on or before January 1st, 1898, and upon other conditions set forth in said by-law; and whereas the construction of said railway has never been commenced, and none of said conditions have been fulfilled by said railway company, and no extension of time for fulfilment thereof has been granted; and whereas the said corporation have asked to have it declared that said company have forfeited all claim to said bonus, and to be relieved from the further levy and collection of rates for the payment thereof, and have asked for authority to cancel and destroy

said debentures, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Bonus to
Railway Co.
forfeited.

1. The municipal corporation of the village of Merrickville are hereby authorized to apply to the general purposes of said corporation the sum of \$1,555.40 levied under said by-law number 214 of said corporation, and it is hereby declared that the said railway company have forfeited all claims to said bonus, and the said corporation are hereby relieved from the further levy and collection of moneys thereunder, and are authorized to cancel and destroy said debentures.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the village of Merrick-
ville.

First Reading, 23rd February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. JOYNT.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 73.]

BILL.

[1899.

An Act confirming a certain by-law and agreement
of the Municipal Corporation of the Town of
Cornwall.

WHEREAS the Canadian Colored Cotton Mills Company, Limited, by their petitions have prayed that an Act may be passed confirming a certain by-law of the corporation of the town of Cornwall and a certain agreement made between the corporation of the town of Cornwall and The Canadian Colored Cotton Mills Company, Limited, which are fully set forth in schedule "A" and "B" respectively to this Act in full: The said by-law and agreement fixing the proportion of the assessment of the mills of the said, The Canadian Colored Cotton Mills Company, Limited, upon which the municipal corporation are to levy taxes, for municipal and school purposes, for a period of ten years from the first day of January, A.D. 1899; and whereas the said by law was unanimously passed by the municipal council of the town of Cornwall, and the said agreement was entered into upon certain conditions, which the said town of Cornwall considered favorable; and whereas the said corporation of the town of Cornwall has by its petitions prayed that an Act may be passed to confirm the said by-law and agreement, and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law and
agreement
confirmed.

1. That said by-law of the municipal corporation of the town of Cornwall, number ten, of the year 1899, together with the said agreement referred to in the said by-law and the said by-law and agreement being set forth in full in schedules "A" and "B" to this Act are hereby confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act anything contained in *The Assessment Act*, or any other Act to the contrary notwithstanding. 5

SCHEDULE "A."

By-law number of the corporation of the town of Cornwall, in the county of Stormont, of the year 1899, for fixing the proportion of the assessment upon the property of the Canadian Colored Cotton Mills Company, Limited, in the town of Cornwall, upon which said company are required to pay municipal and school taxes for a period of ten years from the first day of January, A.D. 1899.

Whereas the corporation of the town of Cornwall, have entered into an agreement bearing even date herewith with the Canadian Colored Cotton Mills Company, Limited, to fix the assessment of all the real estate, buildings, machinery and other property immediately used or connected therewith belonging to the company's mills or factories in the town of Cornwall at forty per cent of \$625,000.00 for a period of ten years from the first day of January, A.D. 1899, upon the terms, provisions and conditions in said agreement contained.

And whereas it is necessary to authorize the mayor and clerk of the corporation of the town of Cornwall to execute the said agreement and attach the corporate seal thereto.

Be it therefore enacted by a by-law of the corporation of the town of Cornwall, and it is hereby enacted that the mayor and clerk be, and they are hereby, authorized and empowered to sign and seal with the corporate seal of the town of Cornwall the said agreement with the Canadian Colored Cotton Mills Company, Limited, bearing date the tenth day of February, A.D. 1899.

And it is further enacted that the said agreement with the Canadian Colored Cotton Mills Company, Limited, shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the said agreement together with this by-law.

Passed in open council, signed and sealed this 10th day of February, in the year of our Lord, one thousand eight hundred and ninety nine.

(S'gd) D. O. ALGUIRE,
Mayor.

(S'gd.) GEORGE S. JARVIS,
Clerk.

SCHEDULE B.

This agreement made between the corporation of the town of Cornwall, in the county of Stormont and Province of Ontario, hereinafter called "the corporation," of the first part, and the Canadian Colored Cotton Mills Company (Limited), a body corporate and politic, hereinafter called "the company," of the second part.

Whereas under and in pursuance of an Act passed by the Legislative Assembly of the Province of Ontario, thirty-six Victoria, chapter 67, entitled *An Act to enable the corporation of the town of Cornwall to exempt from taxation certain manufactories within the town for any period not exceeding twenty-one years*, the said council of the corporation of the town of Cornwall did, by by-law number ten, passed on the fourth day of June, A D. 1877, exempt the Canada Cotton Company from taxation from the first day of January, 1877, to the thirty-first day of December, 1893, inclusive, being a period of seventeen years, the balance of the twenty-one years, which was authorized and permitted under the said Act.

And whereas the said period of exemption expired upon that portion of the Canadian Colored Cotton Mills Company's property known as the old part of the Canada Cotton Company's property.

And whereas on the fifth day of February, 1894, a by-law was passed by the corporation of the town of Cornwall to commute the taxes on that part of the Canadian Colored Cotton Mills Company's property known as the old part of the Canada Cotton Company's property, which was ratified by an Act of the Legislature of the Province of Ontario, 57 Victoria, chapter 63

And whereas on the 5th day of February, 1894, a by-law was passed to exempt that portion of the Canadian Colored Cotton Mills Company's property known as the weave shed in connection with what was formerly the Canada Company's property in the town of Cornwall, which period of exemption will expire on the 31st day of December, 1903.

And whereas on the 12th day of February, 1892, a by-law was passed exempting from taxation for a period of ten years that part of the Canadian Colored Cotton Mills Company's property known as the Stormont mill which was first erected, which period of exemption expires on the 6th day of February, 1902.

And whereas on the 2nd day of March, 1893, a by-law of the corporation of the town of Cornwall was passed exempting from taxation for a period of ten years that portion of the Canadian Colored Cotton Mills Company's property known as the new Stormont mill, which period of exemption will expire on the 8th day of January, 1899.

And whereas the Canadian Colored Cotton Mills Company (Limited) are desirous of making additions to the buildings and machinery connected with their manufacturing property in the town of Cornwall known as the Canada cotton mill to the amount of one hundred and fifty thousand dollars.

And whereas in consideration of the proposed additions to the said company's said property and the expenditure of the said sum of money and the employment of the number of hands in the company's mills or factories in the town of Cornwall hereinafter set out, the corporation deem it advisable to enter into a new contract with the company for the purpose of fixing the amount of assessment on which taxes are to be levied for municipal and school purposes on all the company's real estate, buildings, machinery and other property immediately used or connected therewith, excepting and excluding, however, all boarding houses, dwelling houses or residences of managers or other employees of the company in the town of Cornwall.

This agreement witnesseth that the corporation hereby agree to fix the assessment of all the real estate, buildings, machinery and other property immediately used or connected therewith belonging to the company's mills or factories in the town of Cornwall at forty per cent. of \$625,000 for a period of ten years from the first day of January, A.D. 1899, and municipal and school taxes shall only be collected upon forty per cent. of the said value fixed at \$625,000 for a period of ten years from the 1st day of January, A.D. 1899.

And the company agree with the corporation that in consideration of the commutation of the assessment and taxes as aforesaid that they will expend the sum of one hundred and fifty thousand dollars in addition to the buildings and machinery of their mills or factory known as the Canada cotton mill in the town of Cornwall, and that the company will commence the expenditure of the said sum of one hundred and fifty thousand dollars in two years from the date hereof and complete such expenditure by the first day of January, A.D. 1904.

And the company further agree with the corporation that they will employ not less than nine hundred hands uniformly and continuously and from day to day while running for the said term of ten years in their mills or factories in the town of Cornwall.

The company further agree with the corporation to run and operate each and all their factories in the town of Cornwall to the full capacity of all and every department thereof during the said term of ten years for not less than nine months in the aggregate in any consecutive period of twelve months, such months to be composed of twenty-six days of ten hours each, and such nine months to be exclusive of stoppages from any cause whatsoever.

But it is understood that a stoppage for alternate weeks or for alternate periods of any duration or any other systematic reduction of running time or a stoppage for three months or a shorter period at the end of one year and for three months or a shorter period at the beginning of the next year so as to make a longer stoppage than three months at any one time are all contrary to the terms of this agreement.

And the company further agree with the corporation that in the event of the company making default in the running of their mills in accordance with the terms aforesaid at any time during the said term of ten years, when and so often as such default shall happen then all the real estate, buildings, machinery and other property of the company in the town of Cornwall shall be assessed according to law and be liable to taxation for the year in which such default happens as if this agreement had not been entered into and no Act of the Provincial Legislature had been passed ratifying and validating the same.

And it is further agreed between the said parties hereto that if the company shall fail to run and operate each and all of their said factories and each and every department thereof to their full capacity for less than eighteen months in any consecutive period of twenty-four months or shall fail to expend the sum of one hundred and fifty thousand dollars within the time aforesaid or fail to employ the said number of hands aforesaid, then on the happening of any such event or default this agreement shall be null and void and the whole of the property of the company in the town of Cornwall shall be assessed and pay taxes according to the general law as if this agreement had not been made and no ratifying statute has been passed.

And it is further agreed between the parties hereto that this agreement shall not come into operation or take effect until an Act is passed by the Legislature of the Province of Ontario ratifying, confirming and declaring valid the same, together with a by-law of the corporation authorizing the mayor and clerk of the town of Cornwall to execute this agreement.

And it is further agreed that wherever the word "company" is used in this agreement the same shall be construed and taken to mean the Canadian Colored Cotton Mills Company (Limited), their successors, assigns and transferees.

In witness whereof the mayor and clerk of the corporation of the town of Cornwall have hereunto subscribed their hands and affixed the corporate seal, and the _____ of the Canadian Colored Cotton Mills Company (Limited) has hereunto subscribed his hand and affixed the company's seal this 10th day of February, A.D. 1899

Signed, sealed and delivered in presence of	}	(Sgd.)	D. O. ALGUIRE, Mayor.
			[Seal.]
Witness : (Sgd.) R. A. PRINGLE.	}	(Sgd.)	GEORGE S. JARVIS, Clerk.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act confirming a certain by-law and agreement of the municipal corporation of the town of Cornwall.

First Reading, 1899.

(Private Bill.)

Mr. McLAUGHLIN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No 74.]

BILL.

[1898.

An Act respecting the Village of Exeter.

WHEREAS certain owners of farm lands in the village of Exeter have by their petition set forth that their lands have in the past been subjected to unjust and burdensome taxation in respect of certain rates levied by the municipal council of the said village, for electric lighting, fire protection, the construction of sidewalks and other rates, and have prayed that the Legislature might grant relief to such owners of farm lands from such burdensome taxation; and whereas the said municipal council has consented that some adequate and proper relief should be afforded the said owners of said farm lands and have adopted a by-law numbered 8, A.D. 1899, which is set forth in full in schedule "A" to this Act, for regulating a fixed rate of taxation for all farming lands in the said village; and whereas the said municipal council of the said village of Exeter and the said petitioners are desirous that an Act may be passed to confirm the said by-law; and whereas it seems just and expedient that an Act should be passed for the purpose aforesaid.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 8
confirmed.

1. The said by-law of the municipal corporation No. 8, A.D. 1899, and set forth in full in the schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the parties owning farm lands as set out in the said by-law and upon the said village of Exeter notwithstanding anything contained in any law to the contrary. 5

SCHEDULE A.

By-LAW No. 8, A.D. 1899.

To provide a fixed rating for lands used as farm lands only, and in blocks of not less than twenty acres within the village of Exeter, in the county of Huron.

Whereas Albert Ford, Mary McAlpine, Alexander Dow, Thomas Yellow, George Blatchford, Thomas B. Carling, William J. Carling, Isaac R. Carling, Richard Gidley, William Dearing and William Bawden the owners of certain lands in the village of Exeter now held, used and owned by them as farm lands only in blocks of twenty acres and more being composed of parts of lots numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), and twenty-one (21), in the first concession of the township of Usborne, but now in the said village of Exeter and parts also of lots numbers twenty-one (21), twenty-two (22), twenty-three (23) twenty-four (24) and twenty-five (25), in the first concession of the township of Stephen but now in the said village of Exeter, have applied to the municipal council of the village of Exeter for relief from burdensome taxation in respect of certain rates levied for electric light fire protection, the construction of sidewalks and other rates.

And whereas the said owners of the said lands have agreed with the said municipal council of the said village of Exeter to accept the relief that will be furnished by the Legislative Assembly of the Province of Ontario confirming, if it will, the following by-law which the said municipal council has agreed to adopt for the relief of the said lands and all other lands held, owned and used as farm lands only, in blocks of not less than twenty acres in the said village of Exeter.

Now, therefore, the municipal council of the village of Exeter enacts as follows :—

1. That the said lands of the said owners and all other lands in the said village of Exeter held, owned and used as farm lands only, and in blocks of not less than twenty acres, shall hereafter while used as farm lands only, and in blocks of not less than twenty acres, as aforesaid be rated on the assessed value thereof in manner following that is to say :

- (a) For expenditure for general village purposes not more than three and one-half mills on the dollar.
- (b) For the payment of the present debenture debt or debts of the village the same rate as is required and is from time to time levied upon other village property.
- (c) For expenditure for school purposes the same rate as is required and is from time to time levied upon other village property.
- (d) For county purposes the same rate as is required and is from time to time levied upon other village property.

And that no further or other rate be levied on said lands by the council of the said village of Exeter.

2. That the said lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future debenture debt of the village except such as is contracted for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof.

3. That the rate hereby given the said lands mentioned in clause 1 hereof shall not be lessened by any of the exemptions mentioned in section 8 of chapter 224 Revised Statutes of Ontario, 1897.

4. That no owner or lessee of any of the lands mentioned in clause 1 hereof shall in respect of such lands have the right to vote upon any by-law for the creating or contracting any future debenture debt except such as is for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof as aforesaid.

Provided always that whenever any parts of such lands shall hereafter become divided up and held by owners in parcels less than twenty acres or be not used for farm purposes the parts so divided up or ceasing to be used for farm purposes shall become liable to the general taxation of the village in common with other than farm lands.

This by-law shall come into force immediately upon the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall be thereafter construed as in effect and in force from the beginning of the current year.

The reeve and clerk are hereby authorized to sign a petition to the said Legislature for the confirmation of this by-law.

Read a first time the 3rd day of February, 1899.

Read a second time the 3rd day of February, 1899.

Read a third time and passed the 3rd day of February, 1899.

(S'gd.)	H. SPACKMAN,
	Reeve of the village of Exeter.
(S'gd.)	GEO. H. BISSETT,
	Clerk of the village of Exeter.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act respecting the Village of Exeter.

First Reading,	1899.
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(Private Bill.)

Mr. GARROW.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No 74.]

BILL.

[1898.

An Act respecting the Village of Exeter.

WHEREAS certain owners of farm lands in the village of Exeter have by their petition set forth that their lands have in the past been subjected to unjust and burdensome taxation in respect of certain rates levied by the municipal council of the said village, for electric lighting, fire protection, the construction of sidewalks and other rates, and have prayed that the Legislature might grant relief to such owners of farm lands from such burdensome taxation; and whereas the said municipal council has consented that some adequate and proper relief should be afforded the said owners of said farm lands and have adopted a by-law numbered 8, 1899, which is set forth in full in schedule "A" to this Act, for regulating a fixed rate of taxation for all farm lands in the said village; and whereas the said municipal council of the said village of Exeter and the said petitioners are desirous that an Act may be passed to confirm the said by-law; and whereas it expedient to grant the prayer of the said petition.

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No. 8
confirmed.

1. The said by-law of the municipal corporation No. 8, A.D. 1899, and set forth in full in the schedule "A" to this Act is hereby confirmed and declared legal, valid and binding upon the parties owning farm lands as set out in the said by-law and upon the said village of Exeter notwithstanding anything contained in any law to the contrary.

SCHEDULE A.

By-Law No. 8, A.D. 1899.

To provide a fixed rating for lands used as farm lands only, and in blocks of not less than twenty acres within the village of Exeter, in the county of Huron.

Whereas Albert Ford, Mary McAlpine, Alexander Dow, Thomas Yellow, George Blatchford, Thomas B. Carling, William J. Carling, Isaac R. Carling, Richard Gidley, William Dearing and William Bawden the owners of certain lands in the village of Exeter now held, used and owned by them as farm lands only in blocks of twenty acres and more being composed of parts of lots numbered sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), and twenty-one (21), in the first concession of the township of Usborne, but now in the said village of Exeter and parts also of lots numbers twenty-one (21), twenty-two (22), twenty-three (23) twenty-four (24) and twenty-five (25), in the first concession of the township of Stephen but now in the said village of Exeter, have applied to the municipal council of the village of Exeter for relief from burdensome taxation in respect of certain rates levied for electric light fire protection, the construction of sidewalks and other rates.

And whereas the said owners of the said lands have agreed with the said municipal council of the said village of Exeter to accept the relief that will be furnished by the Legislative Assembly of the Province of Ontario confirming if it will, the following by-law which the said municipal council has agreed to adopt for the relief of the said lands and all other lands held, owned and used as farm lands only, in blocks of not less than twenty acres in the said village of Exeter.

Now, therefore, the municipal council of the village of Exeter enacts as follows :—

1. That the said lands of the said owners and all other lands in the said village of Exeter held, owned and used as farm lands only, and in blocks of not less than twenty acres, shall hereafter while used as farm lands only, and in blocks of not less than twenty acres, as aforesaid be rated on the assessed value thereof in manner following that is to say :

- (a) For expenditure for general village purposes not more than three and one-half mills on the dollar.
- (b) For the payment of the present debenture debt or debts of the village the same rate as is required and is from time to time levied upon other village property.
- (c) For expenditure for school purposes the same rate as is required and is from time to time levied upon other village property.
- (d) For county purposes the same rate as is required and is from time to time levied upon other village property.

And that no further or other rate be levied on said lands by the council of the said village of Exeter.

2. That the said lands mentioned in clause 1 hereof shall be wholly exempt from taxation for the payment of any future debenture debt of the village except such as is contracted for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof.

3. That the rate hereby given the said lands mentioned in clause 1 hereof shall not be lessened by any of the exemptions mentioned in section 8 of chapter 224 Revised Statutes of Ontario, 1897.

4. That no owner or lessee of any of the lands mentioned in clause 1 hereof shall in respect of such lands have the right to vote upon any by-law for the creating or contracting any future debenture debt except such as is for school purposes or for the renewal or consolidation of the present existing debenture debt or debts or some part thereof as aforesaid.

Provided always that whenever any parts of such lands shall hereafter become divided up and held by owners in parcels less than twenty acres or be not used for farm purposes the parts so divided up or ceasing to be used for farm purposes shall become liable to the general taxation of the village in common with other than farm lands.

This by-law shall come into force immediately upon the confirmation thereof by the Legislative Assembly of the Province of Ontario and shall be thereafter construed as in effect and in force from the beginning of the current year.

The reeve and clerk are hereby authorized to sign a petition to the said Legislature for the confirmation of this by-law.

Read a first time the 3rd day of February, 1899.

Read a second time the 3rd day of February, 1899.

Read a third time and passed the 3rd day of February, 1899.

(S'gd.) H. SPACKMAN.

Reeve of the village of Exeter.

(S'gd.) GEO. H. BISSETT,

Clerk of the village of Exeter.

2nd Session, 9th Legislature, 62 Viet., 1899

BILL.

An Act respecting the Village of Exeter.

First Reading, 8th March, 1899.

*(Reprinted as Amended By Private Bills
Committee.)*

Mr. GARROW.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Town of Niagara Falls.

WHEREAS by an Act passed by the Legislature of Ontario Preamble.
in the forty-eighth year of Her Majesty's reign and
chaptered 65, it is provided that the corporation of the Town
of Niagara Falls may make with the Canada Southern South-
5 ern Railway Company, the Niagara River Bridge Company,
and the Michigan Central Railway Company, arrangements in
renewal of or similar to the one in the by-law confirmed by the
said Act and set forth therein; and whereas the municipal
corporation of the Town of Niagara Falls has by by-law num-
10 ber 401, passed on the fifth day of December, one thousand
eight hundred and ninety-eight, agreed with the said companies
to settle the assessment on the property, both present and
future, of the said companies for the period of ten years at the
fixed sum of one hundred and fifty thousand dollars; and
15 whereas doubts have been expressed as to whether the power
to pass the said lastly mentioned by-law is strictly in accord-
ance with the powers granted by said Act, and it is provided
in the said by-law that the same shall be confirmed by this
Legislature: and whereas the Town of Niagara Falls and all
20 of the said companies have petitioned that the said by-law may
be confirmed; and whereas it is expedient that the said by-law
should be confirmed and the said Act amended so that other
municipalities may make arrangements of a similar character:

Therefore Her Majesty by and with the advice and consent
25 of the Legislative Assembly of the Province of Ontario enacts
as follows:—

By-law No.
401 confirmed

1. The by-law of the municipal corporation of the Town of Niagara Falls, set forth in Schedule "A" hereto annexed, passed on the sixth day of December, one thousand eight hundred and ninety-eight as number 401, is hereby legalized, confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act continued to the contrary thereof, and such by-law shall have the same force and effect as if incorporated in this Act. 5

Renewal
agreement.

2. The corporation of the Town of Niagara Falls may from time to time make with the companies mentioned in the said by-law agreements or arrangements in renewal of the one in the said by-law mentioned, upon such terms and for such period as the council of the said corporation may decide upon, and may pass by-laws for that purpose. Provided that no such by-law shall be valid or operative for a period longer than twenty years from the date of the final passing of such by-law. 10 15

Authority to
municipalities
to fix assess-
ment.

3 In addition to the powers conferred by the Act passed in the forty eighth year of Her Majesty's reign, chaptered sixty-five, it shall be lawful for the corporation of any municipality through any part of which any line or branch of the Canada Southern Railway Company has been or may hereafter be constructed, to settle the assessment of the property, within such municipality, of the said company, both present and future, either in whole or in part, at a fixed amount, and for such term of years as such municipal corporation may deem expedient. 20 25

SCHEDULE A.

BY-LAW No. 401.

Respecting the taxes of the Canada Southern Railway Company and other Railway Companies.

Whereas differences exist between the corporation of the Town of Niagara Falls on the one side, and the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, on the other side, in reference to the assessment and taxation by the corporation of the Town of Niagara Falls of the properties belonging to the said companies within the municipality of Niagara Falls.

And whereas such differences exist, both as regards the legal right of the said municipality to assess and tax portions of the said property, as well as the amount for which the property should be assessed and taxed.

And whereas by an Act of the Province of Ontario, 48 Victoria, chapter 65, the corporation is empowered to make with the said companies agreements or arrangements respecting the taxation of the properties of the said companies within the municipality, and it has been agreed between the corporation and the said companies that for the purpose of settling such differences for the next ten years the annual assessment of all the properties of the said companies shall be fixed at the sum of \$150,000, during the said period, but that the legal rights of the corporation and the said companies shall not be affected by anything herein contained when this by-law ceases to be operative.

And whereas the corporation have agreed to petition the Legislature for an Act to legalize this by-law in case that may be necessary : such legislation to be obtained at the expense of the said companies.

Be it therefore enacted that the annual assessment of all the real estate, property and effects of the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, within the municipality of Niagara Falls, whether at present in possession or hereafter to be acquired, shall be and the same is hereby fixed at the sum of \$150,000, for each and every of the years 1899 to 1908, both inclusive.

And be it further enacted that the mayor and clerk of this corporation be authorized to execute a petition under the seal of this corporation to the Legislature of the Province of Ontario, asking that this by-law may be legalized.

Read a third time and passed in council this fifth day of December, A.D. 1898.



(Sgd.) FRED W. HILL,
Mayor.
(Sgd.) JOHN ROBINSON,
Town Clerk

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act respecting the Town of Niagara
Falls.

First Reading,	1899.
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(Private Bill)

Mr. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 75]

BILL

[1899.

An Act respecting the Town of Niagara Falls.

WHEREAS by an Act passed by the Legislature of Ontario Preamble.
in the forty-eighth year of Her Majesty's reign and
chaptered 65, it is provided that the corporation of the Town
of Niagara Falls may make with the Canada Southern South-
ern Railway Company, the Niagara River Bridge Company,
and the Michigan Central Railway Company, arrangements in
renewal of or similar to the one in the by-law confirmed by the
said Act and set forth therein; and whereas the municipal
corporation of the Town of Niagara Falls ^{has} have by their
petition represented that the said corporation have ^{been} by
by-law number 401, passed on the 5th day of December,
1898, agreed with the said companies to settle the assess-
ment on the property, both present and future, of the said
companies for the period of ten years at the fixed sum of
\$150,000: and whereas doubts have been expressed as to
whether the power to pass the said lastly mentioned by-law
is strictly in accordance with the powers granted by *the*
said Act, and it is provided in the said by-law that the same
shall be confirmed by this Legislature; and whereas the
Town of Niagara Falls and all of the said companies have
petitioned that the said by-law may be confirmed; and
whereas it is expedient that the said by-law should be con-
firmed and the said Act amended so that other municipalities
may make arrangements of a similar character;

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows:—

By-law No.
401 confirmed.

1. The by-law of the municipal corporation of the Town of Niagara Falls, set forth in Schedule "A" hereto annexed, passed on the 6th day of December, 1898, as number 401, is hereby legalized, confirmed and declared to be legal, valid and binding, notwithstanding anything in any Act contained to the contrary thereof, and such by-law shall have the same force and effect as if incorporated in this Act.

Renewal
agreements.

2. The corporation of the Town of Niagara Falls may from time to time make with the companies mentioned in the said by-law agreements or arrangements in renewal of the one in the said by-law mentioned, upon such terms and for such period as the council of the said corporation may decide upon, and may pass by-laws for that purpose. Provided that no such by-law shall be valid or operative for a period longer than twenty years from the date of the final passing of such by-law.

Authority to
municipalities
to fix assess-
ment.

3 In addition to the powers conferred by the Act passed in the forty-eighth year of Her Majesty's reign, chaptered sixty-five, it shall be lawful for the corporation of any municipality through any part of which any line or branch of the Canada Southern Railway Company has been or may hereafter be constructed, to settle the assessment of the property, within such municipality, of the said company, both present and future, either in whole or in part, at a fixed amount, and for such term of years, *not exceeding ten years*, as such municipal corporation may deem expedient.

SCHEDULE A.

BY-LAW No. 401.

Respecting the taxes of the Canada Southern Railway Company and other Railway Companies.

Whereas differences exist between the corporation of the Town of Niagara Falls, on the one side, and the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, on the other side, in reference to the assessment and taxation by the corporation of the Town of Niagara Falls of the properties belonging to the said companies within the municipality of Niagara Falls.

And whereas such differences exist, both as regards the legal right of the said municipality to assess and tax portions of the said property, as well as the amount for which the property should be assessed and taxed.

And whereas by an Act of the Province of Ontario, 48 Victoria, chapter 65, the corporation is empowered to make with the said companies agreements or arrangements respecting the taxation of the properties of the said companies within the municipality, and it has been agreed between the corporation and the said companies that for the purpose of settling such differences for the next ten years the annual assessment of all the properties of the said companies shall be fixed at the sum of \$150,000, during the said period, but that the legal rights of the corporation and the said companies shall not be affected by anything herein contained when this by-law ceases to be operative.

And whereas the corporation have agreed to petition the Legislature for an Act to legalize this by-law in case that may be necessary : such legislation to be obtained at the expense of the said companies.

Be it therefore enacted that the annual assessment of all the real estate, property and effects of the Canada Southern Railway Company, the Niagara River Bridge Company, and the Michigan Central Railway Company, within the municipality of Niagara Falls, whether at present in possession or hereafter to be acquired, shall be and the same is hereby fixed at the sum of \$150,000, for each and every of the years 1899 to 1908, both inclusive

And be it further enacted that the mayor and clerk of this corporation be authorized to execute a petition under the seal of this corporation to the Legislature of the Province of Ontario, asking that this by-law may be legalized.

Read a third time and passed in council this fifth day of December, A.D. 1898.



(Sgd.) FRED W. HILL,
Mayor.

(Sgd.) JOHN ROBINSON,
Town Clerk

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Niagara
Falls.

First Reading, 23rd February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. GERMAN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 76.]

BILL.

[1899.

An Act to incorporate the Thunder Bay Pulp and Manufacturing Company.

WHEREAS Daniel Francis Burk and others have by their Preamble.
petition represented that it is desirable and in the public
interest that pulp and paper mills and other mills and fac-
tories should be established at the Towns of Port Arthur and
5 Fort William in the District of Thunder Bay and other places
in the Province of Ontario, and have prayed that an Act may
be passed to incorporate the Thunder Bay Pulp and Manufac-
turing Company with the objects, purposes and powers here-
inafter set forth; and whereas it is expedient to grant the
10 prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Daniel Francis Burk, gentleman; William McBrady, Incorporation.
15 barrister; George T. Marks, merchant; James J. O'Connor,
financial agent; James T. Emerson, merchant; I. Lamont
Matthews, merchant, and William J. Clarke, merchant, all of
the Town of Port Arthur, John King, merchant; James Mur-
phy, contractor, and James Hammond, miner, all of the Town
20 of Fort William, and Hugh Blain, merchant, of the City of
Toronto, together with such other persons, firms and corpora-
tions as shall become shareholders in the company hereby in-
corporated, are hereby constituted and declared to be a body

corporate and politic, with perpetual succession and a common seal, by the name of "The Thunder Bay Pulp and Manufacturing Company."

General
powers.

2. The said company shall have power :

- (1) To construct, build and operate lumber, pulp, paper and other mills and to engage in and carry on the manufacture, purchase and sale of lumber and wood and of all articles and commodities in the production of which lumber, wood, pulp and paper are used, at the Towns of Port Arthur and Fort William and elsewhere in the Province of Ontario. 5 10
- (2) To engage in and carry on the business of mining and to construct and operate milling, reduction and development works with the several powers conferred upon mining companies by section 4 of *The Ontario Mining Companies Incorporation Act*. 15
- (3) To purchase, lease or otherwise acquire water power or other power, and to develop and improve water privileges, and to generate water, electric or other power, and to use, sell, lease or otherwise dispose of such water or other power.
- (4) To acquire by purchase or otherwise timber and wood of every description, and to acquire and hold timber licenses and permits granted by the Crown. 20
- (5) To acquire by purchase, lease or otherwise real and personal property of every description required for the purpose of the company, and to lease, sell and convey the same as and when it may be deemed expedient. 25
- (6) To acquire, construct and operate flour and grist mills and elevators and warehouses for the storage of grain and other produce.
- (7) To acquire, construct and operate railways and tramways operated by steam, electricity or other motive power and telegraph and telephone lines and lines for the transmission of electric or other power from any point at or near the company's works, or any of them, to such other point or points as may be deemed advisable within the limits of the Electoral District of Algoma West, subject, however, where such railways, tramways, telegraph, telephone or transmission lines are within the limits of any organized municipality, to the consent of such municipality, and for the purpose of constructing and operating such railways and tramways to exercise the powers conferred upon railway companies by *The Railway Act of Ontario*, the several clauses of which are incorporated with, and shall be deemed to be part of, this Act and shall apply to the said company and any railway or tramway to be acquired, constructed or operated by it. 30 35 40 45

R.S.O. c. 207.

3. The said Daniel Francis Burk, William McBrady, George T. Marks, James J. O'Connor, James T. Emerson, I. Lamont Matthews, William J. Clarke, John King, James Murphy, James Hammond and Hugh Blain shall be, and they are hereby constituted, a board of provisional directors of the said company, a majority of whom shall form a quorum, and the said provisional directors shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and shall have power to open stock books and procure subscriptions of stock for the undertaking, to allot stock to make calls upon the subscribers, to call a general meeting of the shareholders for the election of directors and other business, and generally to do all such acts as a board of directors under this Act may lawfully do.

4. Aliens, as well as British subjects, whether residing in Canada or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors or otherwise in the said company, and in their affairs shall enjoy as shareholders the same rights and privileges as they could if British subjects; and it shall not be necessary that any of the directors of the said company be British subjects.

5. The amount of the capital stock of the said company shall be \$1,000,000, divided into 10,000 shares of \$100 each.

6. The head office of the said company shall be at the Town of Port Arthur in the District of Thunder Bay.

7. The said company may purchase the bonds, debentures or stock of any company now or hereafter incorporated, which has, or may have, for its object the promotion of any of the objects for which this company is hereby incorporated, and may also purchase, or lend money at any agreed rate of interest upon the security of the bonds, debentures or stock of any company which may wholly or in part obtain the rights, privileges or franchises of this company.

8.—(1) In case a by-law authorizing the same is sanctioned by a vote of not less than two-thirds in value of the shareholders of the said company then present in person or by proxy, at a general meeting duly called to consider the by-law, the directors may borrow money upon the credit of the company, and issue the bonds, debentures or other securities of the company, and may sell the said bonds, debentures or other securities at such prices as may be deemed expedient or necessary; but no such bond, debenture or other security shall be for a less sum than \$100.

(2) The directors may also, under like sanction, hypothecate, mortgage or pledge the real and personal property and the rents and revenues of the company in whole or in part to secure the payment of such bonds, debentures or other securities or any other indebtedness of the company, and every mortgage, deed or deeds made to secure the payment of such bonds, debentures or other securities or indebtedness or any part thereof may grant to the holders of such bonds, debentures or other securities or indebtedness, or to the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any power, privilege or remedy (as the case may be) and all the powers, rights and remedies so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

Payment in stock.

9. The provisional directors or the elected directors of the said company may pay, or agree to pay, in paid-up stock or bonds of the company such sums as they may deem expedient to engineers or contractors, or for lands or lands covered with water, or for water or other power, or for the plant or machinery required for the purposes of the company, and also, when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking of the company, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the said company.

Preference stock.

10.—(1) The directors of the company may pass a by-law or by-laws creating and issuing any part of the capital stock of the company as preference stock, giving the same such preference and priority, as respects dividends and otherwise, over ordinary stock as may be declared by the by-laws.

(2) Such by-law or by-laws may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, and may give them such other control over the affairs of the company as may be deemed expedient.

(3) No such by-law shall have any force or effect whatever until after it has been sanctioned by a vote of two-thirds in value of the shareholders present in person or by proxy at a general meeting duly called to consider the same, or sanctioned in writing by the same proportion of the shareholders of the company.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of such shareholders; provided, however, that in respect of dividends and otherwise they shall, as against the original or ordinary share-

holders, be entitled to the preference given by any such by-law as aforesaid.

(5) Nothing in this section shall affect or impair the rights of creditors of the said company.

5 **11.** The directors of the said company may at any time pass a by-law authorizing the said directors at any time to appoint one or more executive committees composed each of any two or more of their number for such purposes and with such powers as may be prescribed by resolution of the directors, and all contracts or obligations entered into by the said committee pursuant to the powers conferred upon it by such resolution on behalf of the company shall be binding upon the company as fully and effectually as if done by the full board of directors, but no such by-law shall be valid or acted upon unless and until it receives the sanction of a majority in value of the shareholders present in person or by proxy at a general meeting of the company.

Authority to
appoint execu-
tive commit-
tee.

12. At all meetings of the company the shareholders thereof may vote by proxy, and the proxy may be appointed in such manner and by such means as the by-laws of the company prescribe, but no person shall be qualified to be appointed a proxy who is not a shareholder of the company.

Proxy.

13. When and as soon as shares to the amount of \$100,000 in the capital stock of the said company shall have been subscribed, and ten per cent paid thereon into a chartered bank of the Dominion having an office in the Province of Ontario to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the Town of Port Arthur, of the time, place and purpose of the said meeting.

General meet-
ing.

BILL.

An Act to incorporate the Thunder Bay
Pulp and Manufacturing Company.

First Reading , 1899.

(Private Bill.)

Mr. CONNIE.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queens Excellent Majesty.

No. 77.]

BILL.

[1894.

An Act to incorporate Thunder Bay, Nipigon and St Joe Railway Company.

WHEREAS George Hodder and others have by their petition represented that it is desirable that a railway should be constructed from some point at or near the town of Port Arthur in the district of Thunder Bay to some point at or near Lake St. Joseph in the Province of Ontario, with a branch into the town of Fort William, with the right to make arrangements with the towns of Port Arthur and Fort William for the use of the tracks of the electric railway now being operated therein and have prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition :—

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. George Hodder, Alexander W. Thompson, Daniel Francis Burk, Michael Dwyer and Samuel Wellington Ray all of the said town of Port Arthur, and Walter Frederick Hogarth and John McKellar both of the said town of Fort William, with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared a body corporate and politic by the name of "Thunder Bay, Nipigon and St. Joe Railway Company, hereinafter called the company.

Incorporation.

Rev. Stat. 207
incorporated
herewith.

2. The several clauses of *The Railway Act* of Ontario shall be incorporated with and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act. 5

Location of
line.

3. The company shall have full power and authority to construct and operate a railway by steam energy, electricity or other motive power from some point at or near the town of Port Arthur in a northerly direction to or near Lake Nipigon, and thence northerly to some point at or near Lake St. Joseph in the Province of Ontario, with a branch into the town of Fort William, and also to make arrangements with the towns of Port Arthur and Fort William for the use of the tracks of the electric street railway now being operated in the said towns. 10 15

Gauge.

4. The gauge of the said railway shall be four feet, eight and one-half inches. 20

Provisional
directors.

5. The persons named in section 1 of this Act, with power to add to their number, shall be, and they are hereby constituted, a board of provisional directors of the said company, and shall hold office as such until the first election of officers under this Act. 25

General
powers.

6. The said board of provisional directors shall have full power forthwith to open stock-books and procure subscriptions of stock for the undertaking and to allot the stock and receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock and to sue for and recover the same; and the said board shall also have full power by by-laws, which shall be registered in the manner hereinafter prescribed and shall not be repealed unless in conformity with the conditions therein contained, to issue from time to time debenture stock payable at the end of twenty-one years to an amount not exceeding \$3,000 per mile of the railway completed or actually under construction; and the said debenture stock may bear interest at any rate not to exceed five per cent. per annum payable half-yearly. A duplicate original of every such by-law certified under the hands of the secretary and one of the directors or members of the said board and the seal of the company shall be registered without further proofs in the registry office for the district of Thunder Bay. Twenty per cent. of the gross earnings of the railway shall be reserved and the same is hereby pledged for the payment of the interest on the said debenture stock and shall be deposited regularly month by month every month in some chartered bank in the Dominion of Canada to the credit of a special account, and 30 35 40 45

shall be used only for the purpose of paying the interest on the said debenture stock for the said 21 years, but when and so soon as such an amount of the gross earnings of the railway has been so deposited as will satisfy the half-yearly payment of interest on the said debenture stock next accruing due as well as all arrears of such interest, if any, the balance of the said twenty per cent. of the gross earnings for the remainder of the current half-year may be applied to and used for the ordinary purposes of the company. Five per cent. of the gross earnings of the company shall be deposited monthly to the credit of a sinking fund account in the said bank and shall be withdrawn for no other purpose than the payment or redemption of the said debenture stock or some part thereof. The said debenture stock shall be a first lien or charge upon all the property of the company whether real or personal. The company may at any time redeem and cancel the said debenture stock or any particular share or shares thereof upon giving to the holders of such stock or shares six months' notice by publication in the *Ontario Gazette* and upon payment of a premium of five per cent. upon the share or shares so redeemed. The said board shall also have full power to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act* of Ontario, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said town of Port Arthur, or at such other place as may best suit the interest of the said company.

7. Conveyances of land to the said company for the purposes of, and powers given by this Act, made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such

Form of conveyances.

manner, and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

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Subscriptions
for stock not
binding on
company.

8. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per cent. of the amount subscribed has been actually paid thereon within one month after subscription.

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Gifts.

9. The said company may receive either from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment and maintenance of the said railway, upon such terms and conditions as may be agreed on.

15

Capital stock.

10. The capital of the company hereby incorporated shall be \$2,000,000 with power to increase the same in the manner provided by *The Railway Act* of Ontario, to be divided into 20,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of the said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

25

General meeting.

11. When, and as soon as shares to the amount of \$50,000 in the capital stock of the said company shall have been subscribed, and ten per cent. paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in *The Ontario Gazette*, and in one or more newspapers published in the said town of Port Arthur, of the time place and purpose of said meeting.

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Directors.

12. At such general meeting the shareholders present who shall have paid up ten per cent on their shares with such proxies as may be present, shall elect not less than five and not more than seven persons, as hereinafter mentioned, to be directors of the said company, and may also pass such rules,

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regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

13. No person shall be qualified to be elected as such Qualification
of directors.
5 director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

14. Thereafter the general annual meeting of the shareholders of this company shall be held in such place in the Annual
meeting.
10 said town of Port Arthur, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Port Arthur during
15 the four weeks preceding the week in which such meeting is to be held.

15. Special general meetings of the shareholders of said Special
meetings.
company may be held at such place and at such times and in such manner and for such purposes as may be provided by the
20 by-laws of said company, and upon such notice as is provided in the last preceding section.

16. The directors may from time to time make calls as they Calls.
shall think fit, provided that no call shall be made at any one time of more than ten per cent. of the amount subscribed by
25 each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act.

17. Aliens and companies incorporated abroad, as well as Aliens.
British subjects and corporations, may be shareholders in the said company, and all shareholders, whether resident in this
30 Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company.

18. At all meetings of the board of directors, whether of Quorum.
35 provisional directors or of those elected by the shareholders, a majority of the directors shall form a quorum for the transaction of business.

19. It shall be lawful for the company to enter into any Authority to
enter into
agreements
with other
companies.
agreement with any railway company in Canada, if lawfully
40 empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over
45 the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and

hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

Amalgamation.

20. The company is also authorized and empowered to make necessary arrangements and to contract and agree with any railway company in Canada, if lawfully empowered to enter into such arrangement, for amalgamation with the said company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Authority to lease.

21. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on.

Negotiable instrument.

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of ex-

change made, accepted or endorsed by the president, vice-president or general manager of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on
 5 the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the per-
 10 sons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to
 15 issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

23. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the company, any lands belonging to such municipality or over which it may
 20 have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land or other aid from any government or any person or any body politic or corporate, and shall have power to
 25 sell or otherwise dispose of the same for the benefit of the company.

24. The provisional directors or the elected directors may pay or agree to pay in paid-up stock, debenture stock or in the bonds of the said company, such sums as they may deem
 30 expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for
 35 the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

25. Whenever it shall be necessary for the purpose of pro-
 40 curing sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by
 45 purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The*
 50 *Railway Act of Ontario* shall not apply to this section.

Authority to
municipality
to make gifts.

Payment in
stock.

Whole lots.

Sidings.

26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

27.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating damages for the taking of gravel, stone, earth or sand, subsection 8 of section 20 of *The Railway Act of Ontario* shall apply.

Bonding powers.

28. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and

preferential claims and charges upon the undertaking and the real and personal property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired subject only to the prior lien or charge, if any, to be created by the issue of debenture stock pursuant to section 6 of this Act; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, pro rata, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile, and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof; and provided further, that when and so soon as a trustee or trustees for the bondholders has or have been appointed by a by-law of the directors and the said by-law has been duly registered in the manner prescribed by section 6 hereof, such trustee or trustees shall be deemed to have entered upon his or their duties and shall have all the rights and powers appertaining to his or their position as trustee or trustees for such bondholders.

29. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. Form of Bond.

30. The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the railway or otherwise. Pledge bonds.

31. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof is dispensed with by the company. Transfer of shares.

32. The corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, is empowered by by-law specially passed for that purpose, to exempt the said company and its property within Exemption from taxation.

such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed, unless in conformity with a condition contained therein; and the corporation of any municipality through or near which the railway passes may by-bylaws specially passed for that purpose guarantee the said debenture stock or the interest thereon or both either in whole or in part, and may also enter into such contracts or agreements with the company as may be deemed advisable.

Wharves,
docks, etc.

33 It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, engine houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accomodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

Steam and
other vessels.

34. It shall and may be lawful for the company to purchase, build, complete, fit out, charter, sell, dispose of, work, control and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Warehouses.

35. The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of

the said railway of any stream or watercourse, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

5 **36.** The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same
 10 as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Back charges.

15 **37.** It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint
 20 stock company, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any
 25 municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Authority to pass by-laws.

30 **38.** The said company may also construct a telephone line and an electric telegraph line in connection with their railway and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *An Act Respecting Electric Telegraph Companies* (chapter 192 of the Revised Statutes of Ontario), are hereby conferred upon the said company. Telegraph and telephone lines.

35 **39.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as
 40 far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such
 45 length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or Surveys.

portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act* and the amendments thereof, with respect to "plans and surveys."

Snow fences.

40. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Commencement and completion.

41. The railway shall be commenced within three years and completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 7.)

Know all men by these presents that I (or *we*) (insert the name or names of the vendor or vendors) in consideration of \$ _____ paid to me (or *us*) by the Thunder Bay, Nipigon and St. Joe Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or *we*) (insert the name or names of any other party or parties) in considerations of \$ _____, paid to me (or *us*) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or *those certain parcels* as the case may be) of land, (describe the land,) the same having been selected and laid out by the said company for the purposes of their railway to hold, with the appurtenances unto the said Thunder Bay, Nipigon and St. Joe Railway Company, their successors and assigns, (here insert any other clauses, conditions and covenants required) and I (or *we*) wife (or *wives*) of the said _____ do hereby bar my (or *our*) dower to the said lands.

As witness my (or *our*) hand and seal (or *hands and seals*) this
day of _____ 18 ____.

Signed, sealed and delivered
in the presence of _____

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate Thunder Bay, Nipigon and St. Joe Railway Company.

First Reading,	, 1899.
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(Private Bill.)

Mr. CONNIE.

TORONTO:
PRINTED BY I. K. CAMERON,
Printer to Her Most Excellent Majesty.

No. 77.]

BILL.

[1899.

An Act to incorporate *The* Thunder Bay, Nipigon
and St Joe Railway Company.

WHEREAS George Hodder, ~~Esq~~ Alexander W. Thompson, ^{Preamble.}
Daniel Francis Burk Michael Dwyer and Samuel Wel-
lington Ray, all of the Town of Port Arthur, in the District of
Thunder Bay, and Walter Frederick Hogarth and John Mc-
Kellar, both of the Town of Fort William, in the said District
of Thunder Bay, have by their petition prayed for an Act of
incorporation under the name of "The Thunder Bay, Nipigon
and St. Joe Railway Company" for the purpose of construct-
ing, maintaining and operating a railway from some point at
or near the Town of Port Arthur in the District of Thunder
Bay in a northerly direction to or near lake Nipigon, and
thence northerly to some point at or near Lake St. Joseph in
the Province of Ontario, and it has been represented that the
line of *the* railway of the company so to be incorporated will, for
the most part, be constructed in the unorganized part of the
Province; and it is proposed to operate the same by steam or
electricity; and whereas, owing to the location of the line
of the said railway, the provisions of *The Electric Railway
Act* are not applicable to the company so to be incorporated,
and the said petitioners have prayed that there may be conferred
upon them the powers ordinarily given upon the incorporation
of a railway to be operated by steam; and whereas for the
reasons aforesaid the circumstances of the said proposed line
of railway are exceptional; and whereas it is expedient to
grant the prayer of the said petition :—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

Incorporation.

1. George Hodder, Alexander W. Thompson, Daniel Francis Burk, Michael Dwyer, Samuel Wellington Ray, Walter Frederick Hogarth and John McKellar,¹⁸⁸ together with such other persons and corporations as shall hereafter become shareholders of the company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Thunder Bay, Nipigon and St. Joe Railway Company, herein-after called "the company."¹⁸⁹

Location of line.

¹⁸⁹2. The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity, with double or single iron or steel tracks, from some point at or near the town of Port Arthur, in the district of Thunder Bay, in a northerly direction to or near Lake Nipigon, and thence northerly to some point at or near Lake St. Joseph, in the Province of Ontario, and to construct and operate one or more branch lines of railway, each branch not to exceed twelve miles in length; and the said railway, or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in this Act and in *The Municipal Act*.¹⁹⁰

Gauge.

3. The gauge of the said railway shall be four feet, eight and one-half inches.

Provisional directors.

¹⁹⁰4. The said George Hodder, Alexander W. Thompson, Daniel Francis Burk, Michael Dwyer, Samuel Wellington Ray, Walter Frederick Hogarth and John McKellar,¹⁹¹ with power to add to their number, shall be, and are hereby constituted, a board of provisional directors of the company,¹⁹² of whom a majority shall be a quorum,¹⁹³ and shall hold office as such until¹⁹⁴ other directors shall be appointed under the provisions of this Act by the shareholders.¹⁹⁵

General powers.

5 The said board of provisional directors shall have full power forthwith to open stock-books and procure subscriptions of stock for the undertaking and to allot the stock and receive payments on account of stock subscribed, and to make calls

upon subscribers in respect of their stock and to sue for and recover the same; and the said board shall also have full power by by-laws, which shall be registered in the manner herein-after prescribed and shall not be repealed unless in conformity with the conditions therein contained, to issue from time to time debenture stock payable at the end of twenty-one years to an amount not exceeding \$3,000 per mile of the railway completed or actually under construction; and the said debenture stock may bear interest at any rate not to exceed five per cent. per annum payable half-yearly. A duplicate original of every such by law certified under the hands of the secretary and one of the directors or members of the said board and the seal of the company shall be registered without further proofs in the registry office for the district of Thunder Bay. Twenty per cent. of the gross earnings of the railway shall be reserved and the same is hereby pledged for the payment of the interest on the said debenture stock and shall be deposited regularly month by month every month in some chartered bank in the Dominion of Canada to the credit of a special account, and shall be used only for the purpose of paying the interest on the said debenture stock for the said 21 years, but when and so soon as such an amount of the gross earnings of the railway has been so deposited as will satisfy the half-yearly payment of interest on the said debenture stock next accruing due as well as all arrears of such interest, if any, the balance of the said twenty per cent. of the gross earnings for the remainder of the current half-year may be applied to and used for the ordinary purposes of the company. Five per cent. of the gross earnings of the company shall be deposited monthly to the credit of a sinking fund account in the said bank and shall be withdrawn for no other purpose than the payment or redemption of the said debenture stock or some part thereof. The said debenture stock shall be a first lien or charge upon all the property of the company whether real or personal. The company may at any time redeem and cancel the said debenture stock or any particular share or shares thereof upon giving to the holders of such stock or shares six months' notice by publication in the *Ontario Gazette* and upon payment of a premium of five per cent. upon the share or shares so redeemed. The said board shall also have full power to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it. or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act* of Ontario, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more

than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgement, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said town of Port Arthur, or at such other place as may best suit the interest of the said company.

Conveyance of
land to com-
pany.

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in schedule "A" hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner, and on such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy five cents for registering the same including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions
for stock when
binding.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to rail-
way

8. The company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Capital stock.

Rev. Stat.
c. 207.

9. The capital stock of the company hereby incorporated shall be \$2,000,000 (with power to increase the same in the manner provided by *The Railway Act* of Ontario), to be divided into 20,000 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised, together with the proceeds of the debenture stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to, the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

10. When, and as soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company the *said* provisional directors, or a majority of them, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said town of Port Arthur, of the time, place and purpose of said meeting.

First election
of directors.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five and not more than seven persons to be directors of the said company, in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Number of
directors and
quorum.

Rev. Stat.
c. 207.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification
of directors.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the *said* railway is to pass, together with the map or plan thereof, and of *their* course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario* and the amendments thereto, with respect to "plans and surveys" by sections or portions less than the length of the *whole* railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which

Power to con-
struct line in
sections.

the whole of the said railway is to pass, together with the map or plan of the whole thereof and of *their* whole course and direction and of the lands intended to be passed over and taken and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited, according to the said clauses of the said *Railway Act* and the amendments thereof, with respect to "plans and surveys."

Rights of
aliens.

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all *such* shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible *for* office as directors of the company.

Calls on stock.

15. The directors may from time to time make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act.

Payments in
stock or
bonds.

16. The provisional directors or the elected directors may pay or agree to pay in paid-up stock, debenture stock or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Head office,
general
annual
meeting.

17. The head office of the company shall be at the said town of Port Arthur, and the general annual meeting of the shareholders of the said company shall be held in such place in the said town of Port Arthur, on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said town of Port Arthur during the four weeks immediately preceding the week in which such meeting is to take place. ⁽¹⁸⁾

Special gen-
eral meetings.

18. Special general meetings of the shareholders of the company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. ^{Proxy}

20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20, 21, 22 and 23 of Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said *sub-sections*. ^{Issue of bonds.} ^{R.S.O. c. 207.}

21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name. ^{Bonds, etc., how payable.} ^{Transfer of bonds.}

22. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president or general manager of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. ^{Negotiable instruments.}

23. The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, or debentures which *they may be enabled*, under the powers of this Act, to issue for the construction of the said railway. ^{Mortgaging or pledging bonds.}

24. It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agree ^{Agreements with other companies for leasing or hiring rolling stock.}

ments, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such ~~the~~ time or times and on such terms ~~as~~ may be agreed on, and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed on.

Telegraph and
telephone
lines.

25. The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act Respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing.

Aid from mu-
nicipalities.

26. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company, by giving money or debentures by way of bonus, gift or loan or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways. 

Submitting
bonus by
by-laws.

27. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers in the manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or

of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

28. Such by-law shall in each instance provide :

By-law what to contain.

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit to be made before by-law is submitted.

30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same.

Council to pass by-law if assented to by rate-payers.

31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act.

Issue of debentures.

Levying rates
on portion of
municipality.

§ 32. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of
provisions of
60 V. c. 223.

§ 33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Councils may
extend the
time for com-
mencement.

§ 34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for longer period than one year.

Councils may
extend the
time for com-
pletion.

§ 35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extent of aid
from municipa-
lities.

§ 36. Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the said company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-laws grant-
ing exemption
from taxation.

§ 37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Gifts of lands.

39. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Issue of debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Thunder Bay, Nipigon and St. Joe Railway," Municipal Trust Account, and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer Trusts of proceeds of debentures.

shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor. 

Fees to
Trustees.

 **41.** The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. 

Power to
purchase
whole lots.

 **42.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands and also the right of way thereto if the same be separated from their railway, and may sell and convey the same or any part thereof, from time to time as they may deem expedient: but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. 

Rev. Stat.
c. 207.

Acquiring
material for
construction.

 **43.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary: the notice of arbitration, in case arbitration is resorted to, to state the interest required. 

Sidings to
gravel pits.

44.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall

Rev. Stat.
c. 207.

apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall apply. Rev. Stat.
c. 207.

 **45.** The company shall have power and authority—

 (1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, work-shops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;  Warehouses,
docks, etc.

 (2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, waggons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway;  Erect neces-
sary buildings,
wharfs, etc.

 (3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company.  Powers as to
production
and use of
electricity.

 (4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;  Lease or sell
electricity not
required for
railway.

 (5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be de-

Acquiring
rights for con-
veying elec-
tricity.

terminated by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers, or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof. 

Construction
of railway on
streets.

 **46.**—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act, and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water. 

 (2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. 

Power to erect
snow fences.

47. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

48. It shall be lawful for the company to enter into any agreement with the Canadian Pacific Railway Company, the Ontario and Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company, if lawfully empowered to enter into such agreement, for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with the said companies or either of them, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies any portion of their railway or the use thereof, and generally to make any agreement or agreements with the said companies, if so lawfully authorized, touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into such agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

Authority to enter into agreements with other companies.

49. The company is also authorized and empowered to make necessary arrangements and to contract and agree with the Canadian Pacific Railway Company, the Ontario and Rainy River Railway Company and the Port Arthur, Duluth and Western Railway Company, if lawfully empowered to enter into such arrangement, for amalgamation with the said company, or for leasing their said line or any part or parts thereof to the said company, and may also make traffic or running arrangements with any such company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Amalgamation.

50. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certi-

Transfer of shares.

cates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Payment of
back charges
of goods.

51. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Incorporation
of provisions
of Rev. Stat.
c. 207,

52. The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and com-
pletion of line.

53. The railway shall be commenced within three years, and finally completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or *we*) (insert the name or names of the vendor or vendors) in consideration of \$ _____ paid to me (or *us*) by the Thunder Bay, Nipigon and St. Joe Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or *we*) (insert the name or names of any other party or parties) in considerations of \$ _____, paid to me (or *us*) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or *those certain parcels* as the case may be) of land, (describe the land,) the same having been selected and laid out by the said company for the purposes of its railway to hold, with the appurtenances unto the said the Thunder Bay, Nipigon and St. Joe Railway Company, their successors and assigns forever, (here insert any other clauses, conditions and covenants required) and I (or *we*) the wife (or *wives*) of the said _____ do hereby bar my (or *our*) dower to the said lands.

As witness my (or *our*) hand and seal (or *hands and seals*) this _____ day of _____, one thousand eight hundred and ninety-

Signed, sealed and delivered
the presence of

[L.S.]

SCHEDULE B.

(Section 40.)

CHIEF ENGINEER'S CERTIFICATE.

The Thunder Bay, Nipigon and St. Joe Railway Company's Office,
 No. A.D. 18 .

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on the Thunder Bay, Nipigon and St. Joe Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, chief engineer of the Thunder Bay, Nipigon and St. Joe Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of , 18 , between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of (here set out the terms and conditions, if any, which have been fulfilled.)

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate the Thunder Bay,
Nipigon and St. Joe Railway Company.

First Reading, 8th March, 1899.

*(Reprinted as amended by the Railway
Committee.)*

MR. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to Her Most Excellent Majesty.

No. 78.]

BILL.

[1899.

An act to incorporate The Haliburton, Whitney & Mattawa Railway Company.

WHEREAS the Hon. George W. Cox, senator; W. H. Brouse, C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, and Elias Rogers have, by their petition, prayed for an Act of incorporation under the name of "The Haliburton, Whitney & Mattawa Railway Company," for the purpose of constructing, maintaining and operating a steam railway from a point at or near the village of Haliburton, in the provisional county of Haliburton, to a point where the said railway will cross the Ottawa, Arnprior & Parry Sound Railway, at or near the village of Whitney, in the township of Airy, and from thence in a northwesterly direction to a point at or near the village of Mattawa, on the Ottawa River, and with power to have and operate vessels on the Ottawa River in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honorable George W. Cox, senator; W. H. Brouse, C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, and Elias Rogers, and such other

Incorporation.

persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Haliburton, Whitney & Mattawa Railway Company," hereinafter called the "Company."

5

Location of
line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway, with double or single iron or steel tracks, from a point at or near the village of Haliburton, in the provisional county of Haliburton, to a point where the said 10 railway will cross The Ottawa, Arnprior & Parry Sound Railway, at or near the village of Whitney, in the township of Airy, and from thence in a northwesterly direction to a point at or near the village of Mattawa, on the Ottawa River.

Gauge.

3. The gauge of the said railway shall be four feet eight 15 and one-half inches.

Provisional
directors.

4. The said the Honorable George W. Cox, senator; W. H. Brouse, C. J. Campbell, J. W. Flavell, J. J. Garts'ore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, and Elias Rogers, with power to 20 add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

25

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and 30 recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers 35 as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the 40 company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they 45 shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the

Rev. Stat.
c. 207

said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Toronto, in the county of York, or at such other place as may best suit the interest of the said company.

6. Conveyance of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of land to company.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions for stock when binding.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to railway.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.
Rev. stat., c. 207.

10. When and as soon as shares to the amount of \$35,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no

First election of directors.

account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting. 5

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. 15 20

Rev. stat.,
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to con-
struct line in
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made, examined, certified and deposited according to the said clauses 25 30 35 40 45

of the said Railway Act and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Rights of
aliens.

15. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant Governor in Council.

Issue of
debentures.

16. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Haliburton, Whitney & Mattawa Railway," Municipal Trust Account, and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Trusts of
proceeds of
debentures.

Fees to
Trustees.

17. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of
Bonds.

R.S.O. c. 207.

18. The directors of the company shall have power to issue 5
bonds of the company for the purpose of raising money for
prosecuting the said undertaking, but the whole amount of
the issue of such bonds shall not exceed in all the sum of
\$20,000 for each mile of the said railway, and the provisions
of Section 9 of *The Railway Act of Ontario* shall apply to all 10
such bonds and the issue thereof, and such bonds shall be
issued subject and according to, and in conformity with the
provisions of the said section.

Bonds, etc.,
how payable.

19. All such bonds, debentures and other securities and
coupons and interest warrants thereon respectively, may be 15
made payable to bearer and transferable by delivery, and any
holder of any such securities so made payable to bearer, may
sue at law thereon in his own name.

Transfer of
bonds

20. The said company shall have power and authority to
become parties to promissory notes and bills of exchange for 20
sums not less than \$100, and any such promissory note or bill
of exchange made, accepted or endorsed by the president or
vice president of the company, and countersigned by the sec-
retary of the said company, and under the authority of a
quorum of the directors, shall be binding on the said company, 25
and every such promissory note or bill of exchange so made
shall be presumed to have been made with proper authority
until the contrary be shown, and in no case shall it be neces-
sary to have the seal of the said company affixed to such prom-
issory note or bill of exchange, nor shall the president, vice- 30
president or the secretary be individually responsible for the
same unless the said promissory notes or bills of exchange
have been issued without the sanction and authority of the
directors as herein provided and enacted: provided, however,
that nothing in this section shall be construed to authorize the 35
said company to issue any promissory note or bill of exchange
payable to bearer, or intended to be circulated as money, or
as the notes or bills of bank.

Mortgaging
or pledging
bonds.

21. The said company may, from time to time, for advan-
ces of money to be made thereon, mortgage or pledge any 40
bonds which they may be enabled, under the powers of this
Act, to issue for the construction of the said railway.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

22. It shall be lawful for the directors of the company to
enter upon an agreement or agreements with any other com-
pany or companies, if lawfully authorized to enter into such 45
agreements, or with any person or persons, for leasing, hiring,
or use of any locomotives, carriages, rolling stock and other

movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or
 5 more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

23. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes
 10 of Ontario, 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company;
 15 provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Telegraph
and tele-
phone lines.

24. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any
 20 one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 27 of this Act.

Calls on stock.

25. The said company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, work-
 30 shops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to hold
additional
property.

26. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to
 40 engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of
 45 right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payments in
stock or
bonds.

Head office,
general annual
meeting.

27. The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held in such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place.

Special general
meetings.

28. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from municipalities.

29. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Submitting
bonus by-laws.

30. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the Reeves and Deputy-Reeves; or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section

by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

- 5 (5) If the by-law will affect any townships in the Provisional County of Haliburton, belonging to the Canadian Land and Immigration Company of Haliburton (Limited) then the consent of the said company must be obtained before the same be finally passed, otherwise the lands of the said company shall be exempt from its operation.

By-law affecting townships belonging to the C. L. & I. C. Co. of Haliburton [Ltd.]

31. Such by-law shall in each instance provide :

By-law what to contain.

- (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of the debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

- (2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

- 32.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

Petition against aid from county.

Minor municipality," meaning of.

33. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county municipality.

Deposit to be made before by-law is submitted.

34. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. 5

Council to pass by-law if assented to by rate-payers.

35. In case the by-law submitted to be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. 10

Issue of debentures.

36. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. 15

Levying rates on portion of municipality.

37. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. 20

Application of provisions of 60 V. c. 223.

38. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. 25

Councils may extend the time for commencement.

39. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. 30 35

Councils may extend the time for completion.

40. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, 40 provided that no such extension shall be for a larger period than one year at a time.

Extent of aid from municipalities.

41. Any municipality, or portion of a township municipality, interested in the construction of the road of the said company,

may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that
 5 such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

42. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain
 15 sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no
 20 such by-law shall be repealed unless in conformity with a condition contained therein.

By-laws granting exemption from taxation.

43. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality,
 25 or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway: and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic,
 30 and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Gifts of lands.

44. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in
 35 case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of
 40 way thereto, if the same be separated from their railway, and may sell or convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this
 section.

Power to purchase whole lot.

Rev. Stat c. 207

45. 45. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the
 45

Acquiring material for construction.

purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

46—(1). When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Arrangements
with other
companies.

47. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, and the Ottawa, Arnprior & Parry Sound Railway Company, or with any other railway company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or lease or hiring of the whole or any portion of the railway herein

authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation thereof, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

48. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

49. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Payment of back charges of goods.

50. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor either in the whole or in part, either in cash or bonds; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. Contracts for construction of provisions and equipment.

51. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act. Incorporation of provisions of Rev. Stat., c. 207.

Comencement
and comple-
tion of line.

52. The railway shall be commenced within three years, and finally completed within five years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of _____ dollars paid to me (or us) by The Haliburton, Whitney & Mattawa Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Haliburton, Whitney & Mattawa Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this _____ day of _____, one thousand, eight hundred and ninety-_____.

Signed, sealed and delivered }
in the presence of }

(L. S.,)

SCHEDULE B.

(Section 16.)

CHIEF ENGINEER'S CERTIFICATE.

The Haliburton, Whitney & Mattawa Railway Company's Office,
No. _____ A.D. 18 _____

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Haliburton, Whitney & Mattawa Railway Company Municipal Trust Account given under section _____, chapter _____, of the Act of the Legislature of Ontario, passed in the _____ year of Her Majesty's reign.

I, I, _____ chief engineer of The Haliburton, Whitney & Mattawa Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. _____ of the township of _____ (or under the agreement dated the _____ day of _____, 18 _____, between the corporation of _____ and the said company) to entitle the said company to receive from the said trust the sum of _____ (here set out the terms and conditions, if any, which have been fulfilled).

2nd Session, 9th Legislature, 62 Viet., 1899

BILL.

An Act to Incorporate the Haliburton,
Whitney & Mattawa Railway Company.

First Reading,	1899.
----------------	-------

(Private Bill.)

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 78.]

BILL.

[1899.

An act to incorporate The Haliburton, Whitney and Mattawa Railway Company.

WHEREAS the Hon. George A. Cox, senator; W. H. Brouse,^{Preamble.}
C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lock-
hart Gordon, James Graham, John Hoskin, J. S. Lockie, H.
Mooney, Eugene O'Keefe, and Elias Rogers have, by their peti-
tion, prayed for an Act of incorporation under the name of
"The Haliburton, Whitney and Mattawa Railway Company,"
for the purpose of constructing, maintaining and operating a
steam railway from a point at or near the village of Halibur-
ton, in the provisional county of Haliburton, to a point where
the said railway will cross the Ottawa, Arnprior and Parry
Sound Railway, at or near the village of Whitney, in the
township of Airy, and from thence in a northwesterly direc-
tion to a point at or near the village of Mattawa, on the
Ottawa River, and with power to have and operate vessels on
the Ottawa River in connection with the said railway; and
whereas it is expedient to grant the prayer of the said peti-
tion:—

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The Honorable George A. Cox, senator; W. H. Brouse,^{Incorporation.}
C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lock-
hart Gordon, James Graham, John Hoskin, J. S. Lockie, H.
Mooney, Eugene O'Keefe, Elias Rogers, ~~and~~ William Mackenzie

and Z. A. Lash and such other persons and corporations as shall hereafter become shareholders in the said company, are hereby constituted a body corporate and politic under the name of "The Haliburton, Whitney and Mattawa Railway Company," hereinafter called the "Company."

Location of
line.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway, with double or single iron or steel tracks, from a point at or near the village of Haliburton, in the provisional county of Haliburton, passing through the townships of Dysart, Dudley, Guilford, Harburn, Bruton, Eyre, Clyde, Sabine, Lawrence, Nightingale and Airy, or some of the said townships, to a point where the said railway will cross The Ottawa, Arnprior and Parry Sound Railway, at or near the village of Whitney, in the township of Airy, and from thence in a northerly direction passing through the townships of Lister, Boyd and Papineau to a point at or near the village of Mattawa, on the Ottawa River.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional
directors.

4. The said the Honorable George A. Cox, senator; W. H. Brouse, W. H. Lockhart Gordon, William Mackenzie and Z. A. Lash, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the further-

Rev. Stat.
c. 207

ance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Toronto, in the county of York, or at such other place as may best suit the interest of the said company.

6. Conveyance of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of
land to com-
pany.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
for stock when
binding.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-
way.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

Rev. stat ,
c. 207.

10. When and as soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered

First election
of directors.

bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting.

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. stat.,
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to con-
struct line in
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of

reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Rights of aliens.

15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act. Calls on stock.

16. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in stock or bonds.

17. The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held in such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company: and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place. Head office, general annual meeting.

18. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special general meetings.

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of Issue of Bonds.

R.S.O. c. 207. \$20,000 for each mile of the said railway, and the provisions of ~~the~~ sub-sections 19, 20, 21, 22 and 23 of ~~the~~ Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said *sub-sections*.

Bonds, etc.,
how payable.

Transfer of
bonds

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

~~the~~
Negotiable
instruments.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging
or pledging
bonds.

22. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

23. It shall be lawful for the directors of the company to enter upon an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

24. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Telegraph
and tele-
phone lines.

25. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Aid from mu-
nicipalities.

26. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

Submitting
bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the ~~40~~ members of the county council ~~or~~ or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto.

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or

of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law affecting townships belonging to the C. L. & I. C. Co. of Haliburton [Ltd.]

(5) If the by-law will affect any townships in the Provisional County of Haliburton, belonging to the Canadian Land and Immigration Company of Haliburton (Limited) then the consent of the said company must be obtained before the same be finally passed, otherwise the lands of the said company shall be exempt from its operation.

By-law what to contain.

27. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

28. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or *district objecting*, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

29. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county or district municipality. Minor municipality," meaning of.

30. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law is submitted.

31. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by rate-payers.

32. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

33. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rates on portion of municipality.

34. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of 60 V. c. 223.

35. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend the time for commencement.

36. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Councils may extend the time for completion.

37. Any municipality, or portion of a township municipality, interested in the construction of the railway of the said com- Extent of aid from municipalities,

pany, may grant aid by way of bonus to the said company towards the construction of such *railway*, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-laws grant-
ing exemption
from taxation.

38. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

39. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Issue of
debentures.

40. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and

in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

41. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Haliburton, Whitney and Mattawa Railway," Municipal Trust Account, and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor

Trusts of
proceeds of
debentures.

42. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to
Trustees.

43. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to
purchase
whole lots.

Rev. Stat.
c. 207.

44. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in

Acquiring
material for
construction.

case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

45—(1). When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

Power to hold
additional
property.

46. The said company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose: and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to erect
snow fences.

47. The said company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences

thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

48. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Arrangements
with other
companies.

49. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of
shares.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of
back charges
of goods.

Incorporation
of provisions
of Rev. Stat.,
c. 207.

51. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement
and comple-
tion of line.

52. The railway shall be commenced within three years, and finally completed within five years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of
dollars paid to me (or us) by The Haliburton,
Whitney and Mattawa Railway Company, the receipt whereof is hereby
acknowledged, do grant and convey unto the said company, and I (or we)
(insert the name or names of any other party or parties) in consideration
of dollars paid to me (or us)
by the said company, the receipt whereof is hereby acknowledged, do
grant and release all that certain parcel (or those certain parcels, as the
case may be) of land (describe the land) the same having been selected
and laid out by the said company for the purposes of its railway, to
hold with the appurtenances unto the said The Haliburton, Whitney and
Mattawa Railway Company, their successors and assigns forever (here
insert any other clauses, covenants and conditions required), and I (or
we) the wife (or wives) of the said
do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this
day of , one thousand, eight hundred and ninety-

Signed, sealed and delivered)
in the presence of)

(L. S.,)

SCHEDULE B.

(Section 41.)

CHIEF ENGINEER'S CERTIFICATE.

The Haliburton, Whitney and Mattawa Railway Company's Office,
No. A.D. 18

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Haliburton,
Whitney and Mattawa Railway Company Municipal Trust Account given

under section , chapter , of the *Acts* of the Legislature of Ontario,
 passed in the year of Her Majesty's reign.

1. I, chief engineer of
 The Haliburton, Whitney and Mattawa Railway Company, do hereby
 certify that the said company has fulfilled the terms and conditions
 necessary to be fulfilled under the by-law No. of the township
 of (or under the agreement dated the day
 of , 18 , between the corporation of
 and the said company) to entitle the said company to receive from the
 said trust the sum of
 (here set out the terms and conditions, if any, which have been fulfilled).

No. 78.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to Incorporate the Haliburton,
Whitney & Mattawa Railway Company.

First Reading, 22nd February, 1899.

*(Reprinted as amended by Railway Com-
mittee.)*

MR. PYNE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 78.]

BILL.

[1899.

An act to incorporate The Haliburton, Whitney and Mattawa Railway Company.

WHEREAS the Hon. George A. Cox, senator; W. H. Brouse, C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, and Elias Rogers have, by their petition, prayed for an Act of incorporation under the name of "The Haliburton, Whitney and Mattawa Railway Company," for the purpose of constructing, maintaining and operating a steam railway from a point at or near the Village of Haliburton, in the Provisional County of Haliburton, to a point where the said railway will cross the Ottawa, Arnprior and Parry Sound Railway, at or near the Village of Whitney, in the Township of Airy, and from thence in a northwesterly direction to a point at or near the Town of Mattawa, on the Ottawa River, and with power to have and operate vessels on the Ottawa River in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition:—

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Honorable George A. Cox, senator; W. H. Brouse, C. J. Campbell, J. W. Flavelle, J. J. Gartshore, W. H. Lockhart Gordon, James Graham, John Hoskin, J. S. Lockie, H. Mooney, Eugene O'Keefe, Elias Rogers, and William Mackenzie and Z. A. Lash and such other persons and corporations as shall hereafter become shareholders in the said company,

Incorporation.

are hereby constituted a body corporate and politic under the name of "The Haliburton, Whitney and Mattawa Railway Company," hereinafter called the "Company."

Location of
line.

~~2~~ 2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate a steam railway, with double or single iron or steel tracks, from a point at or near the village of Haliburton, in the provisional county of Haliburton, passing through the townships of Dysart, Dudley, Guilford, Harburn, Bruton, Eyre, Clyde, Sabine, Lawrence, Nightingale and Airy, or some of the said townships, to a point where the said railway will cross The Ottawa, Arnprior and Parry Sound Railway, at or near the village of Whitney, in the township of Airy, and from thence in an easterly and northerly direction passing through the townships of Murchison, Clancy, Niven, White, Fitzgerald, Clara, Cameron and Papineau at a distance of not less than three miles from the Algonquin Park, to a point at or near the Town of Mattawa, on the Ottawa River, but in case of engineering difficulties the Lieutenant-Governor in Council may lessen the said distance of three miles. ~~2~~

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional
directors.

4. The said the Honorable George A. Cox, senator; W. H. Brouse, W. H. Lockhart Gordon, ~~2~~ William Mackenzie and Z. A. Lash ~~2~~ with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders.

Powers of
provisional
directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned, may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they

Rev. Stat.
c. 207

shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Toronto, in the county of York, or at such other place as may best suit the interest of the said company.

6. Conveyance of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in Schedule A., hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Conveyance of
land to com-
pany.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions
for stock when
binding.

8. The said company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to rail-
way.

9. The capital stock of the company hereby incorporated shall be \$1,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into ten thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of, and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.

Rev. stat.,
c. 207

10. When and as soon as shares to the amount of \$100,000 of capital stock in the said company shall have been subscribed and ten per centum paid thereon into some chartered

First election
of directors.

bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette* and in at least one newspaper published in the said City of Toronto of the time, place and purpose of the said meeting.

Number of
directors and
quorum.

11. At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director.

Rev. stat.,
c. 207.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Power to con-
struct line in
sections.

13. The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway Act of Ontario* and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of

reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys"

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company. Rights of aliens.

15. The directors may from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as hereinafter provided in section 17 of this Act. Calls on stock.

16. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Payments in stock or bonds.

17. The head office of the said company shall be at the said City of Toronto, and the general annual meeting of the shareholders of the said company shall be held in such place in the said City of Toronto, on such days and at such hours as may be directed by the by-laws of the company: and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette* and once a week in one newspaper published in the said City of Toronto during the four weeks immediately preceding the week in which such meeting is to take place. Head office, general annual meeting.

18. Special general meetings of the shareholders of the said company may be held at such places and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. Special general meetings.

19. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of Issue of bonds.

R.S.O. c. 207. \$20,000 for each mile of the said railway, and the provisions of ~~the~~ sub-sections 19, 20, 21, 22 and 23 of ~~the~~ Section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said sub-sections.

Bonds, etc.,
how payable.

Transfer of
bonds

20. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

~~the~~
Negotiable
instruments.

21. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Mortgaging
or pledging
bonds.

22. The said company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
with other
companies for
leasing or
hiring rolling
stock.

23. It shall be lawful for the directors of the company to enter upon an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on.

24. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the said company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the said company.

Telegraph
and tele-
phone lines.

25. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case may be) in accordance with and as provided by law in respect to granting aid, by way of bonuses to railways.

Aid from mu-
nicipalities.

26. Such by-law shall be submitted by the municipal council, to the vote of the ratepayers, in manner following, namely:

Submitting
bonus by-laws.

(1) The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

(2) In the case of a county municipality, the petition shall be that of a majority of the ²⁵members of the county council or of fifty resident freeholders, in each of the minor municipalities of the county, who are qualified voters under *The Municipal Act* and the amendments thereto

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act*, and amendments thereto as aforesaid.

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or

of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law affecting townships belonging to the C. L. & I. C. Co. of Haliburton [Ltd.]

(5) If the by-law will affect any townships in the Provisional County of Haliburton, belonging to the Canadian Land and Immigration Company of Haliburton (Limited) then the consent of the said company must be obtained before the same be finally passed, otherwise the lands of the said company shall be exempt from its operation.

By-law what to contain.

27. Such by-law shall in each instance provide :

(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law.

(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

Petition against aid from county.

28. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof, comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein and upon deposit by the petitioners, with the treasurer of the county, of a sum sufficient to defray the expenses of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court or *district objecting*, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof, therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended, shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county as the arbitrators may order.

29. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village, situate in the county or district municipality. Minor municipality," meaning of.

30. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit to be made before by-law is submitted.

31. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. Council to pass by-law if assented to by rate-payers.

32. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. Issue of debentures.

33. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of municipality.

34. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. Application of provisions of 60 V. c. 223.

35. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. Councils may extend the time for commencement.

36. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Councils may extend the time for completion.

37. Any municipality, or portion of a township municipality, interested in the construction of the railway of the said com- Extent of aid from municipalities,

pany, may grant aid by way of bonus to the said company towards the construction of such *railway*, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein.

By-laws granting exemption from taxation.

38. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gifts of lands.

39. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the said company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Issue of debentures

40. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and

in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

41. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Haliburton, Whitney and Mattawa Railway," Municipal Trust Account, and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor

Trusts of
proceeds of
debentures.

42. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to
Trustees.

43. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to
purchase
whole lots.

Rev. Stat.
c. 207.

44. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in

Acquiring
material for
construction.

case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

45—(1). When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Power to hold
additional
property.

46. The said company shall have full power to purchase land for, and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to erect
snow fences.

47. The said company shall have the right, on and after the 1st day of November in each year to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences

thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

48. The said company shall have power to agree for connections and make running arrangements with the Canadian Pacific Railway Company, the Grand Trunk Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company, if lawfully empowered to enter into such agreement, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with any of the said railway companies, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or lease or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Arrangements
with other
companies.

49. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of
shares.

50. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Payment of
back charges
of goods.

Incorporation
of provisions
of Rev. Stat.,
c. 207.

51. The several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commencement
and comple-
tion of line.

52. The railway shall be commenced within three years, and finally completed within five years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of

dollars paid to me (or us) by The Haliburton, Whitney and Mattawa Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land (describe the land) the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said The Haliburton, Whitney and Mattawa Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As WITNESS my (or our) hand and seal (or hands and seals) this day of , one thousand, eight hundred and ninety-

Signed, sealed and delivered
in the presence of }

(L. S.,)

SCHEDULE B.

(Section 41.)

CHIEF ENGINEER'S CERTIFICATE.

The Haliburton, Whitney and Mattawa Railway Company's Office,
No. A.D. 18

ENGINEER'S DEPARTMENT.

Certificates to be attached to cheques drawn on The Haliburton, Whitney and Mattawa Railway Company Municipal Trust Account given

under section , chapter , of the *Acts* of the Legislature of Ontario,
passed in the year of Her Majesty's reign.

1. I, chief engineer of
The Haliburton, Whitney and Mattawa Railway Company, do hereby
certify that the said company has fulfilled the terms and conditions
necessary to be fulfilled under the by-law No. of the township
of (or under the agreement dated the day
of , 18 , between the corporation of
and the said company) to entitle the said company to receive from the
said trust the sum of
(here set out the terms and conditions, if any, which have been fulfilled).

No. 78.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to Incorporate the Haliburton,
Whitney & Mattawa Railway Company.

First Reading, 22nd February, 1899.
Second Reading, 13th March, 1899.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. PYNE.

TORONTO :

PRINTED BY L. K. CAMERON,

An Act to consolidate the debt of the Town of
Leamington.

WHEREAS the corporation of the Town of Leamington by Preamble.
their petition have represented that debts and liabilities
have been incurred by them in the erection of school build-
ings, in the putting in of a waterworks system, in the pur-
5 chase of a natural gas supply system and in other public im-
provements, for which debentures of the said corporation have
from time to time been issued, and that there is still due in
respect to the said debentures the sum of \$86,580; and whereas
the payment of the said debentures as they become due is un-
10 duly oppressive to the ratepayers of the said town; and
whereas in addition to the said debenture debt the said town
is further indebted in a floating debt to the amount of \$14,-
100 incurred for public improvements and other necessary and
unforeseen expenditures; and whereas the said corporation by
15 their petition have prayed that the said debts and liabilities
secured by the said debentures and also those unsecured as
aforesaid may be consolidated and that the said corporation
may be authorized to issue debentures for that purpose; and
whereas the said corporation derives a revenue from the
20 natural gas system owned and operated by the said corpora-
tion; and whereas the said corporation is desirous of devoting
the surplus of said revenue after payment of the operating
expenses to the payment of the existing debentures and to the
payment of the debentures of the said corporation which may
25 hereafter be issued; and whereas the said corporation by their
said petition have prayed that they may be authorized to so

devote the revenue derived from their said natural gas system or any part thereof ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :— 5

Authority to
issue debentures.

1. It shall be lawful for the said corporation of the Town of Leamington from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, for such sums of not less than \$100 each and not exceeding in the whole the sum of \$108,400, as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere. 10 15

Payment of
interest and
debentures.

2. The said debentures shall be made payable at such period not exceeding thirty years from the date thereof as the said council may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate not exceeding four per centum per annum as the said council shall direct, and shall be payable yearly. 20

Assent of
electors not
necessary.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures or to the passing of any by-law directing the issue of the same, or to observe the formalities in relation thereto prescribed by *The Municipal Act*. 25

Irregularity
in form not to
invalidate.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the said invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof. 30

When pay-
able.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding thirty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debentures issued by virtue of such by-law are to be discharged. 35 40

Calling in out-
standing de-
bentures.

6. The treasurer of the corporation may, on receiving instructions from the council so to do, from time to time, but 45

only with the consent of the holders thereof, call in any one or more of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

7. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the said debentures which shall be issued under the powers hereby conferred, or of any such debentures.

8. It shall be lawful for the council of the said corporation to devote all or any part of the revenue derived from its natural gas system after payment of the operating expenses of the system to the payment and retiring of the outstanding debentures of the corporation and the interest thereon, as the same falls due, and in payment of the debentures and the interest thereon, issued under the powers hereinbefore conferred.

9. The said corporation shall in addition to all other rates to be levied in each year, levy a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act; provided, however, if the Council of the said corporation deem it advisable to devote in any year any portion of the revenue derived from its natural gas system, in payment of the said amount of principal and interest falling due in that year, it shall be necessary for the said corporation to levy such a said special rate as shall be sufficient to raise merely the balance of the said amount of principal and interest, falling due in that year, after deducting from the said amount of principal and interest such portion of said revenue so applied.

Application of
proceeds of
debentures.

10. The said council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the payment of the said debts and for no other purpose whatever, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner. 5

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to Consolidate the Debt of the
Town of Leamington.

First Reading,	1899.
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(Private Bill.)

Mr. AULD.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 79.]

BILL.

[1899.

An Act to consolidate the debt of the Town of
Leamington.

WHEREAS the corporation of the Town of Leamington by Preamble.
their petition have represented that debts and liabilities
have been incurred by them in the erection of school build-
ings, in the putting in of a waterworks system, in the pur-
chase of a natural gas supply system and in other public im-
provements, for which debentures of the said corporation have
from time to time been issued, and that there is still due in
respect to the said debentures the sum of \$86,580; and whereas
the payment of the said debentures as they become due is un-
duly oppressive to the ratepayers of the said town; and
whereas in addition to the said debenture debt the said town
is further indebted in a floating debt to the amount of \$14,-
100 incurred ~~as~~ mainly by rea-on of insufficient amounts being
raised by by-laws of the said town~~er~~ for public improvements
and ~~as~~ being also in part the result of ~~the~~ other necessary and
unforeseen expenditures; and whereas the said corporation by
their petition have prayed that the said debts and liabilities
secured by the said debentures and also those unsecured as
aforesaid may be consolidated and that the said corporation
may be authorized to issue debentures for that purpose; and
whereas it is alleged that the said corporation derives a revenue
from the natural gas system owned and operated by the said
corporation; and whereas the said corporation is desirous of
devoting the surplus of said revenue after payment of the
operating expenses to the payment of the existing debentures
and to the payment of the debentures of the said corporation

which may hereafter be issued; and whereas the said corporation by their said petition have prayed that they may be authorized to so devote the revenue derived from their said natural gas system or any part thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to
issue debentures.

1. It shall be lawful for the said corporation of the Town of Leamington from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, for such sums of not less than \$100 each and not exceeding in the whole the sum of \$108,400, as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere.

Payment of
interest and
debentures.

2. The said debentures shall be made payable at such period not exceeding *twenty* years from the date thereof as the said council may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate not exceeding four per centum per annum as the said council shall direct, and shall be payable yearly.

Assent of
electors not
necessary.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures or to the passing of any by-law directing the issue of the same, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Irregularity
in form not to
invalidate.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the said invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

When pay-
able

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding *twenty* years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debentures issued by virtue of such by-law are to be discharged.

6. The treasurer of the corporation may, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any one or more of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

7. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the said debentures which shall be issued under the powers hereby conferred, or of any such debentures.

8. The said corporation shall devote all or any part of the revenue derived from its natural gas system after payment of the operating expenses of the system to the payment and retiring of the outstanding debentures of the corporation and the interest thereon, as the same falls due, and in payment of the debentures and the interest thereon, issued under the powers hereinbefore conferred.

9. The said corporation shall in addition to all other rates to be levied in each year, levy a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act; provided, however, if the Council of the said corporation deem it advisable to devote in any year any portion of the revenue derived from its natural gas system, in payment of the said amount of principal and interest falling due in that year, it shall be necessary for the said corporation to levy such a said special rate as shall be sufficient to raise merely the balance of the said amount of principal and interest, falling

due in that year, after deducting from the said amount of principal and interest such portion of said revenue so applied.

Application of
proceeds of
debentures.

10. The said council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the payment of the said debts and for no other purpose whatever, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to Consolidate the Debt of the
Town of Leamington.

First Reading, 28th February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. AULD.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 79.]

BILL

[1899.

An Act to consolidate the debt of the Town of Leamington.

WHEREAS the corporation of the Town of Leamington by Preamble.
their petition have represented that debts and liabilities
have been incurred by them in the erection of school build-
ings, in the putting in of a waterworks system, in the pur-
chase of a natural gas supply system and in other public im-
provements, for which debentures of the said corporation have
from time to time been issued, and that there is still due in
respect to the said debentures the sum of \$86,580; and whereas
the payment of the said debentures as they become due is un-
duly oppressive to the ratepayers of the said town; and
whereas in addition to the said debenture debt the said town
is further indebted in a floating debt to the amount of \$14,-
100 incurred ~~as~~ mainly by reason of insufficient amounts being
raised by by-laws of the said town ~~as~~ for public improvements
and ~~as~~ being also in part the result of ~~the~~ other necessary and
unforeseen expenditures; and whereas the said corporation by
their petition have prayed that the said debts and liabilities
secured by the said debentures and also those unsecured as
aforesaid may be consolidated and that the said corporation
may be authorized to issue debentures for that purpose; and
whereas it is alleged that the said corporation derives a revenue
from the natural gas system owned and operated by the said
corporation; and whereas the said corporation is desirous of
devoting the surplus of said revenue after payment of the
operating expenses to the payment of the existing debentures
and to the payment of the debentures of the said corporation

which may hereafter be issued; and whereas the said corporation by their said petition have prayed that they may be authorized to so devote the revenue derived from their said natural gas system or any part thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to
issue debentures.

1. It shall be lawful for the said corporation of the Town of Leamington from time to time to pass a by-law or by-laws providing for the issue of debentures under its corporate seal, signed by the mayor and countersigned by the treasurer, for the time being, for such sums of not less than \$100 each and not exceeding in the whole the sum of \$108,400, as the said council of the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere.

Payment of
interest and
debentures.

2. The said debentures shall be made payable at such period not exceeding *twenty* years from the date thereof as the said council may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate not exceeding four per centum per annum as the said council shall direct, and shall be payable yearly.

Assent of
electors not
necessary.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures or to the passing of any by-law directing the issue of the same, or to observe the formalities in relation thereto prescribed by *The Municipal Act*.

Irregularity
in form not to
invalidate.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the said invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

When payable.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year after the by-law or by-laws for a period not exceeding *twenty* years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year under any by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debentures issued by virtue of such by-law are to be discharged.

6. The treasurer of the corporation may, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any one or more of the outstanding debentures and shall discharge the same with the funds raised under the preceding sections of this Act, or may with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

Calling in out-
standing de-
bentures.

7. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the said debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Books of
account to be
kept.

8. The said corporation *shall* devote all or any part of the revenue derived from its natural gas system after payment of the operating expenses of the system to the payment and retiring of the outstanding debentures of the corporation and the interest thereon, as the same falls due, and in payment of the debentures and the interest thereon, issued under the powers hereinbefore conferred.

Revenue from
gas system de-
voted to pay-
ment of de-
bentures.

9. The said corporation shall in addition to all other rates to be levied in each year, levy a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act; provided, however, if the Council of the said corporation deem it advisable to devote in any year any portion of the revenue derived from its natural gas system, in payment of the said amount of principal and interest falling due in that year, it shall be necessary for the said corporation to levy such a said special rate as shall be sufficient to raise merely the balance of the said amount of principal and interest, falling

Special rate.

due in that year, after deducting from the said amount of principal and interest such portion of said revenue so applied.

Application of
proceeds of
debentures.

10. The said council may, for the purpose aforesaid, raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys derived from such sale or hypothecation shall be applied towards the payment of the said debts and for no other purpose whatever, and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.

Authority to
issue debentures.

11. The debentures issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of Schedule B to this Act.



SCHEDULE A.

PROVINCE OF ONTARIO, TOWN OF LEAMINGTON.

Debenture		No.
Under and by virtue of the Act to consolidate the debt of the Town of Leamington, being Chapter	of the Statutes of Ontario, 62 Victoria, and by virtue of By-law No.	of the corporation of the Town of Leamington, passed under the provisions contained under the said Act, the corporation of the Town of Leamington promises to pay to the bearer
at	in the	the sum of
day of	one thousand	and
		on the
		the yearly coupons
		for interest thereon hereto attached as the same shall severally become due.

Dated at Leamington in the County of Essex this
A.D. 18

day of

L.S.

Mayor.

Treasurer.

SCHEDULE B.

By-law No. to authorize the issue of debentures under the authority of the Act to consolidate the debt of the Town of Leamington, being Chapter of the Statutes of Ontario, 62 Victoria.

Whereas the said Act authorizes the issue of debentures as therein mentioned not exceeding the sum of \$108,400 as therein provided as the corporation of the Town of Leamington may, in pursuance of, and in conformity with, the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$ payable on the day of with interest thereon at the rate of per cent. per annum, payable yearly according to the coupons to the said debenture attached.

And whereas the amount of the whole rateable property of the said Town of Leamington, according to the last revised assessment roll of the said Town, being for the year one thousand hundred was \$

Therefore the municipal corporation of the Town of Leamington hereby enacts as follows :—

1. The debentures under the said Act, and for the purpose therein mentioned, to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of per cent. per annum, payable yearly on the day of in each year.

This by-law passed in open council this day of A.D.

Mayor.

(Seal.)

Clerk. 

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to Consolidate the Debt of the
Town of Leamington.

First Reading, 28th February, 1899.
Second Reading, 13th March, 1899.

*(Reprinted as amended in Committee of
the Whole.)*

Mr. AULD.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Incorporated Synod of the
Diocese of Toronto.

WHEREAS the Incorporated Synod of the Diocese of ^{Preamble}
Toronto herein called "The Synod," has by its petition
represented that under various Acts the property comprising
the Toronto Rectory Endowment is now vested in the synod,
5 in trust to pay the income thereof to incumbents of churches
in Toronto and the township of York, but so that the incum-
bent of St. James Church in Toronto shall not receive less
than the sum of five thousand dollars a year; and whereas a
part of such property consists of lands within and in the
10 neighborhood of the city of Toronto, which have for many
years been leased, and upon which tenants thereof have
erected buildings; and whereas the leases of certain of the
properties comprised in the trust have been cancelled in
consequence of the tenants failing to pay rentals reserved
15 thereby; and whereas the synod has expended various sums
for costs in recovering possession of the said properties, and
for accrued taxes thereon, and for repairs and improvements
to the buildings thereon; and whereas many of the buildings
erected upon the said lands are now wholly unsuited to their
20 localities and for the purposes of the tenants thereof; and
whereas it is in the interests of the trust that new buildings
should be erected upon certain of the said lands, and that other
buildings upon certain other of the said lands should be recon-
structed; and whereas the synod is not possessed of any
25 power to raise money to meet such expenditures and it is not

just that the whole of the income of such endowment immediately available for distribution amongst the beneficiaries under such trust fund other than the said rector of St. James' Church, should be charged with such expenditures; and whereas it is necessary that the synod should be empowered to raise money for the purposes aforesaid; and whereas it is proper that out of the proceeds of the sale of buildings upon the lands so acquired by the synod, by the forfeiture of pre-existing leases the rentals due at the date of forfeiture should be distributed amongst the said beneficiaries: and whereas by the said petition the synod has also represented, that at its last session a canon was adopted for the settlement within the Diocese of Toronto, of differences between clergymen and their parishioners, and it is desirable that the said canon should be confirmed and declared to be valid: and whereas by the said petition the synod has also represented, that it is desirable to amend the Act incorporating the synod, so as to empower the synod to prescribe the qualifications of clergymen as well as of lay representatives of parishes and missions necessary to the right to sit and vote in synod; and whereas the synod has prayed that an Act may be passed for the several purposes herein set forth, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
issue debentures.

1. It shall be lawful for the synod to execute and issue debentures, not exceeding at any one time in the whole the sum of fifty thousand dollars, in such sums of not less than one hundred dollars each as the synod may determine. 30

Debentures
and interest.

2. The said debentures shall be made payable at such period not exceeding twenty years from the date thereof as the synod may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate as the synod shall direct, 35 and shall be paid half yearly.

Debentures
when payable.

3. A portion of the debentures to be issued under this Act shall be made payable in each year after the issue of the debentures, for a period not exceeding twenty years, and so that the aggregate amount payable for principal and interest in any one year in respect of such debentures, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged. 40

Application of
debentures.

4. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to defray the costs 45

incurred in recovering possession of any of the lands and premises which comprise part of the Toronto Rectory Endowment, and in respect of taxes accrued upon the said lands and premises, and repairs and improvements to the buildings thereon, and in remodelling and reconstructing the said buildings, or in erecting new buildings on the said lands

5. Out of the funds to be so raised by the issue of the debentures, the synod may also refund to existing beneficiaries entitled to share in the income of the said endowment, whatever amount has at any time been deducted from the income of the said endowment, for the purpose of defraying the expenditure mentioned in the preceding section, and the synod may also pay to such beneficiaries amounts equal to the arrears of rental due to the synod in respect of lands acquired by forfeiture of pre-existing leases and for non-payment of which such leases have been forfeited.

Refunds to
beneficiaries.

6. Subject to the right of the incumbent of the rectory of St. James in the city of Toronto to receive out of the income of the said endowment the sum of five thousand dollars a year, the debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the lands and premises comprised in such endowment, and the holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof, upon the said lands and premises and the revenues derived therefrom, but such debentures shall not form any charge upon the other assets and property of the synod.

Debentures to
have force of
mortgages.

7. The synod may pledge all or any of the said debentures for the purpose of raising money for any of the purposes mentioned in sections 4 and 5 of this Act.

Pledge debentures.

8. No person advancing money on or for the purchase of the debentures to be issued under the provisions of this Act shall be in any way bound to see to the application of the money so advanced.

Unnecessary
to see to appli-
cation of pro-
ceeds.

9. The synod may in lieu of issuing debentures, mortgage the said lands or any of them for the purpose of raising money to be expended for any of the purposes mentioned in sections 4 and 5 of this Act.

Authority to
mortgage
lands.

10. The synod is empowered upon making leases of any of the said lands to sell the buildings erected thereon which the synod has acquired by forfeiture or surrender of any pre-existing leases, and out of the proceeds of the sale of such buildings, may distribute amongst the beneficiaries of the said fund an amount equal to the arrears of rental due to the synod, in respect of the lands upon which such buildings are

Authority to
sell buildings.

erected at the time the leases comprising the lands on which such buildings are erected were forfeited or surrendered, and the balance of the proceeds of such sale shall be applied towards paying any of such debentures outstanding, or in the event of there being no debentures outstanding, then the said balance shall form a part of the capital fund of the said endowment. 5

Power of executive committee.

11. The powers conferred upon the synod by the previous provisions of this Act shall be exercised by the executive committee of the synod. 10

Canon confirmed.

12. The canon of the synod adopted at the session thereof held in the year 1898, and set out in the Schedule to this Act, is hereby ratified, confirmed and declared to be valid, and all the powers and provisions in the said canon contained shall be valid and binding as fully and as effectually and shall in all respects have the same force and effect as though the same and every of them were expressly embodied in this Act. 15

Authority of bishop to suspend or remove.

13. The bishop of the diocese of Toronto for the time being may at any time suspend or remove from his benefice an incumbent of any rectory, parish or mission within the diocese of Toronto, as provided by the said canon, or by any amendment thereof adopted by the synod. 20

Orders of bishop to be enforceable.

14. Every order of the bishop of the said diocese for the time being, made under the said canon, shall be enforceable as provided by the said canon after the proceedings therein prescribed have been taken or which may be prescribed by any canon adopted by the synod. 25

Authority to repeal canon.

15. The synod may repeal, alter or amend the said canon.

32 V. c. 51 s. 2 repealed.

16. Section 2 of the Act to incorporate the synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith, passed in the 32nd year of Her Majesty's reign and Chapter 51, is repealed, and the following substituted therefor: 30

(2) The said synod shall consist of the bishop of the said diocese, who shall be the head of the said synod, and any suffragan or coadjutor bishop thereof, and of such clergymen and lay representatives of parishes and missions as possess the qualifications prescribed by the synod. 35

(2a). The synod may from time to time prescribe the qualifications of the clergymen and lay representatives of parishes and missions necessary to the right to sit and vote in synod and may exclude from the synod those who do not possess or are declared by the synod not to possess the prescribed qualifications. 40

17. The last preceding section of this Act shall come into force after the close of the annual session of the synod to be held in the year 1899. When to come into force.

SCHEDULE.

(*Section 12.*)

A CANON FOR THE SETTLEMENT OF DIFFERENCES BETWEEN CLERGYMEN AND THEIR PARISHIONERS.

1. Whenever the bishop of the diocese believes that differences have arisen between a rector or other clergyman in charge of any rectory, parish or mission in the diocese, and communicants resident in the said rectory, parish or mission, or that the condition of the rectory, parish or mission is in any respect such as to require investigation, the bishop may, and upon a request in writing signed by five persons qualified to vote at the election of lay representatives of such rectory, parish or mission, or by the said clergyman, shall, unless he shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken (in which case he shall state his reasons in writing to one of the petitioners) appoint a committee consisting of one clerical and one lay member of the synod of the diocese whose duty it shall be to proceed to the rectory, parish or mission and endeavour, if possible, to bring about a settlement of the differences existing therein or the removal of any grievance or cause of scandal or other hindrance to the peace or prosperity of the rectory, parish or mission.

2. Within one month after their appointment the said committee shall report in writing to the bishop, and if the said committee by their said report declare that they have failed to bring about a settlement of the said differences and that for causes named in the report (not being subjects for investigation under the canon on church discipline) the said committee consider it to be detrimental to the interests of the church that such rector or other clergyman should longer remain in charge of such rectory, parish or mission, and recommend that a commission of enquiry be issued to enquire into such complaints made by communicants of the church resident in the rectory, parish or mission as may be recited in the said report, the bishop shall issue a commission to two clergymen and one layman (who shall be either the Chancellor of the Diocese or some other member of the synod being a Queen's Counsel and who shall be the chairman of the said commission) empowering the commissioners therein named to hold such investigation.

3. As soon as conveniently may be after the issue of the commission the commissioners shall give notice to the clergyman in charge of such rectory, parish or mission and to the church wardens and lay representatives thereof, and the petitioners for the commission of enquiry, of the time and place at which the commissioners will hold their sittings.

4. The proceedings by and before the said commission shall be as nearly as possible similar to those provided in respect of the court for the trial of complaints under the canon on church discipline.

5. The commissioners, or a majority of them, shall report with all convenient speed to the Lord Bishop of the diocese the result of their enquiry, and may recommend that such action be taken in the premises as they may deem advisable.

6. The Lord Bishop shall take such action upon the report of the commissioners as may seem to him desirable in case that needed power in that behalf be granted by the Legislature, and he may suspend or remove the incumbent of such rectory, parish or mission from his benefice.

7. Any clergyman neglecting or refusing to obey any order so made by the bishop under this canon shall be punishable as for contumacy under the canon on church discipline.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL

An Act Respecting the Incorporated Synod
of the Diocese of Toronto.

First Reading,	1899.
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(Private Bill.)

Mr. PYNE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 80.]

BILL.

[1899

An Act respecting the Incorporated Synod of the Diocese of Toronto.

WHEREAS the Incorporated Synod of the Diocese of Preamble
Toronto herein called "The Synod," has by its petition represented that under various Acts the property comprising the Toronto Rectory Endowment is now vested in the synod, in trust to pay the income thereof to incumbents of churches in Toronto and the township of York, but so that the incumbent of St. James Church in Toronto shall not receive less than the sum of five thousand dollars a year; and *that* a part of such property consists of lands within and in the neighborhood of the city of Toronto, which have for many years been leased, and upon which tenants thereof have erected buildings; and *that* the leases of certain of the properties comprised in the trust have been cancelled in consequence of the tenants failing to pay rentals reserved thereby; and *that* the synod has expended various sums for costs in recovering possession of the said properties, and for accrued taxes thereon, and for repairs and improvements to the buildings thereon; and *that* many of the buildings erected upon the said lands are now wholly unsuited to their localities and for the purposes of the tenants thereof; and whereas it²⁷ has been made to appear that it²⁸ is in the interests of the trust that new buildings should be erected upon certain of the said lands, and that other buildings upon certain other of the said lands should be reconstructed; and whereas²⁹ it is further represented that³⁰ the synod is not possessed of

any power to raise money to meet such expenditures and it is not just that the whole of the income of such endowment immediately available for distribution amongst the beneficiaries under such trust fund other than the said rector of St. James' Church, should be charged with such expenditures; and whereas it is *advisable* that the synod should be empowered to raise money for the purposes aforesaid; that out of the proceeds of the sale of buildings upon the lands so acquired by the synod, by the forfeiture of preexisting leases the rentals due at the date of forfeiture should be distributed amongst the said beneficiaries; and whereas by the said petition the synod has also represented, that at its last session a canon was adopted for the settlement within the Diocese of Toronto, of differences between clergymen and their parishioners, and it is desirable that the said canon should be confirmed and declared to be valid; and whereas by the said petition the synod has also represented, that it is desirable to amend the Act incorporating the synod, so as to empower the synod to prescribe the qualifications of clergymen as well as of lay representatives of parishes and missions necessary to the right to sit and vote in synod; and whereas the synod has prayed that an Act may be passed for the several purposes herein set forth,⁴²⁷ and no one has appeared to oppose the said petition and whereas⁴²⁸ it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
issue debentures.

1. It shall be lawful for the synod to execute and issue debentures, not exceeding at any one time in the whole the sum of fifty thousand dollars, in such sums of not less than one hundred dollars each as the synod may determine.

Debentures
and interest.

2. The said debentures shall be made payable at such period not exceeding twenty years from the date thereof as the synod may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable at such rate as the synod shall direct, and shall be paid half yearly.

Debentures
when payable.

3. A portion of the debentures to be issued under this Act shall be made payable in each year after the issue of the debentures, for a period not exceeding twenty years, and so that the aggregate amount payable for principal and interest in any one year in respect of such debentures, shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the said debenture debt is to be discharged.

Application of
debentures.

4. The funds to be raised by the issue of debentures authorized as aforesaid, shall be applied to defray the costs

incurred in recovering possession of any of the lands and premises which comprise part of the Toronto Rectory Endowment, and in respect of taxes accrued upon the said lands and premises, and repairs and improvements to the buildings thereon, and in remodelling and reconstructing the said buildings, or in erecting new buildings on the said lands

5. Out of the funds to be so raised by the issue of the debentures, the synod may also refund to existing beneficiaries entitled to share in the income of the said endowment, whatever amount has at any time been deducted from the income of the said endowment, for the purpose of defraying the expenditure mentioned in the preceding section, and the synod may also pay to such beneficiaries amounts equal to the arrears of rental due to the synod in respect of lands acquired by forfeiture of pre-existing leases and for non-payment of which such leases have been forfeited.

Refunds to
beneficiaries.

6. Subject to the right of the incumbent of the rectory of St. James in the city of Toronto to receive out of the income of the said endowment the sum of five thousand dollars a year, the debentures so issued as aforesaid shall, without registration or formal conveyance, be taken and considered to be charges upon the lands and premises comprised in such endowment, and the holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof, upon the said lands and premises and the revenues derived therefrom, but such debentures shall not form any charge upon the other assets and property of the synod.

Debentures to
have force of
mortgages.

7. The synod may ~~also~~ sell, assign or ~~may~~ pledge all or any of the said debentures for the purpose of raising money for any of the purposes mentioned in sections 4 and 5 of this Act.

Pledge debentures.

8. No person advancing money on or for the purchase of the debentures to be issued under the provisions of this Act shall be in any way bound to see to the application of the money so advanced.

Unnecessary
to see to appli-
cation of pro-
ceeds.

9. The synod may in lieu of issuing debentures, mortgage the said lands or any of them for the purpose of raising money to be expended for any of the purposes mentioned in sections 4 and 5 of this Act.

Authority to
mortgage
lands.

10. The synod is empowered upon making leases of any of the said lands to sell the buildings erected thereon which the synod has acquired by forfeiture or surrender of any pre-existing leases, and out of the proceeds of the sale of such buildings, may distribute amongst the beneficiaries of the said fund an amount equal to the arrears of rental due to the synod, in respect of the lands upon which such buildings are

Authority to
sell buildings.

erected at the time the leases comprising the lands on which such buildings are erected were forfeited or surrendered, and the balance of the proceeds of such sale shall be applied towards paying any of such debentures outstanding, or in the event of there being no debentures outstanding, then the said balance shall form a part of the capital fund of the said endowment.

Power of
executive com-
mittee.

11. The powers conferred upon the synod by the previous provisions of this Act shall be exercised by the executive committee of the synod.

Canon con-
firmed.

12. The canon of the synod adopted at the session thereof held in the year 1898, and set out in the Schedule to this Act, is hereby ratified, confirmed and declared to be valid, and all the powers and provisions in the said canon contained shall be valid and binding as fully and as effectually and shall in all respects have the same force and effect as though the same and every of them were expressly embodied in this Act.

Authority of
bishop to
suspend or
remove.

13. The bishop of the diocese of Toronto for the time being may at any time suspend or remove from his benefice an incumbent of any rectory, parish or mission within the diocese of Toronto, as provided by the said canon, or by any amendment thereof adopted by the synod.

Orders of
bishop to be
enforceable.

14. Every order of the bishop of the said diocese for the time being, made under the said canon, shall be enforceable as provided by the said canon after the proceedings therein prescribed have been taken or which may be prescribed by any canon adopted by the synod.

Authority to
repeal canon.

15. The synod may repeal, alter or amend the said canon.

32 V. c. 51 s. 2
repealed.

16. Section 2 of the Act to incorporate the synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith, passed in the 32nd year of Her Majesty's reign and Chapter 51, is repealed, and the following substituted therefor:

(2) The said synod shall consist of the bishop of the said diocese, who shall be the head of the said synod, and any suffragan or coadjutor bishop thereof, and of such clergymen and lay representatives of parishes and missions as possess the qualifications prescribed by the synod.

(2a). The synod may from time to time prescribe the qualifications of the clergymen and lay representatives of parishes and missions necessary to the right to sit and vote in synod and may exclude from the synod those who do not possess or are declared by the synod not to possess the prescribed qualifications.

17. The last preceding section of this Act shall come into force after the close of the annual session of the synod to be held in the year 1899. When to come into force.

SCHEDULE.

(Section 12.)

A CANON FOR THE SETTLEMENT OF DIFFERENCES BETWEEN CLERGYMEN AND THEIR PARISHIONERS.

1. Whenever the bishop of the diocese believes that differences have arisen between a rector or other clergyman in charge of any rectory, parish or mission in the diocese, and communicants resident in the said rectory, parish or mission, or that the condition of the rectory, parish or mission is in any respect such as to require investigation, the bishop may, and upon a request in writing signed by five persons qualified to vote at the election of lay representatives of such rectory, parish or mission, or by the said clergyman, shall, unless he shall be of opinion, after considering the whole circumstances of the case, that proceedings should not be taken (in which case he shall state his reasons in writing to one of the petitioners) appoint a committee consisting of one clerical and one lay member of the synod of the diocese whose duty it shall be to proceed to the rectory, parish or mission and endeavour, if possible, to bring about a settlement of the differences existing therein or the removal of any grievance or cause of scandal or other hindrance to the peace or prosperity of the rectory, parish or mission.

2. Within one month after their appointment the said committee shall report in writing to the bishop, and if the said committee, by their said report declare that they have failed to bring about a settlement of the said differences and that for causes named in the report (not being subjects for investigation under the canon on church discipline) the said committee consider it to be detrimental to the interests of the church that such rector or other clergyman should longer remain in charge of such rectory, parish or mission, and recommend that a commission of enquiry be issued to enquire into such complaints made by communicants of the church resident in the rectory, parish or mission as may be recited in the said report, the bishop shall issue a commission to two clergymen and one layman (who shall be either the Chancellor of the Diocese or some other member of the synod being a Queen's Counsel and who shall be the chairman of the said commission) empowering the commissioners therein named to hold such investigation.

3. As soon as conveniently may be after the issue of the commission the commissioners shall give notice to the clergyman in charge of such rectory, parish or mission and to the church wardens and lay representatives thereof, and the petitioners for the commission of enquiry, of the time and place at which the commissioners will hold their sittings.

4. The proceedings by and before the said commission shall be as nearly as possible similar to those provided in respect of the court for the trial of complaints under the canon on church discipline.

5. The commissioners, or a majority of them, shall report with all convenient speed to the Lord Bishop of the diocese the result of their enquiry, and may recommend that such action be taken in the premises as they may deem advisable.

6. The Lord Bishop shall take such action upon the report of the commissioners as may seem to him desirable in case that needed power in that behalf be granted by the Legislature, and he may suspend or remove the incumbent of such rectory, parish or mission from his benefice.

7. Any clergyman neglecting or refusing to obey any order so made by the bishop under this canon shall be punishable as for contumacy under the canon on church discipline.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL

An Act Respecting the Incorporated Synod
of the Diocese of Toronto.

First Reading, 23rd February, 1899.

*(Reprinted as Amended by Private Bills
Committee.)*

Mr. PENE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 81.]

BILL.

[1899.

An Act to incorporate The London Young Men's Christian Association.

WHEREAS an Association under the name of The London ^{Preamble.}
Young Men's Christian Association has existed for
several years in the City of London, having for its object the
improvement of the spiritual, intellectual and social condition
5 of young men, and the promotion of christian work in that
city, and is governed by a constitution and by-laws which
have received the assent of the members of the said Associa-
tion; and whereas the members of the said Association have
by petition prayed to be incorporated; and it is expedient
10 to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows :

1. W. R. Hobbs, W. M. Spencer, William Bowman, W. H. ^{Incorporation.}
Wortman, J. H. Chapman, George A. McGillivray, George
15 Hodge, M.D., F. W. Daly, J. W. Westervelt, F. J. Harrison,
Thomas A. Browne, F. H. Heath, R. A. Little, R.
Kirkpatrick and C. H. Ivey, and such other persons as now
are or hereafter shall become members of the said Association,
shall be and they are hereby constituted a body politic and
20 corporate under the name of "The London Young Men's
Christian Association," and shall have power to acquire and
hold real estate in the said City of London, provided the
annual value of real estate so held and not actually used for
the work of the said association shall not exceed at any one

time ten thousand dollars, and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require; and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed five thousand dollars), by gift, devise or bequest if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years, and may within that time alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or municipal debentures or other approved securities, for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

Personal property to vest in corporation

2. The personal property of the said Association shall become the property of and is hereby vested in the said corporation.

Objects of corporation.

3. The object of the said corporation shall be, spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, and such others means as may from time to time be determined upon.

Constitution and by-laws.

4. The constitution and by-laws by which the said Association is now governed shall be the constitution and by-laws of the said corporation, but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Directors and officers.

5. The officers and members of the board of directors of the Association at the time of the passing of this Act shall be the officers and members of the board of directors of said Corporation and shall retain their respective offices and positions until others shall be elected in their place.

Annual return

6. The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

Purposes for which funds are to be used.

7. The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in business of trading in real estate.

8. The real estate of the said corporation shall become the property of and is hereby vested in the said corporation and shall be managed and controlled by a Board of not less than five trustees who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations, unless the debt or obligation shall have been contracted with the consent of the board of trustees, expressed by resolution duly passed and recorded, in which resolution the real estate is specifically pledged for the payment of the said debt or obligation.

Real estate
how managed.

9. The corporation may by by-law increase or decrease the number of its trustees and provide as to their qualification, mode of election and the time for which they shall hold office.

Number and
qualification
of trustees.

10. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of said corporation may from time to time determine.

11. The buildings of the Young Men's Christian Association of the City of London and the land whereon the same is erected shall, so long as the same are occupied by and used for the purpose of the association, be and the same are hereby declared to be exempt from taxation.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act Respecting The London Young
Men's Christian Association.

First Reading,	1899.
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(Private Bill).

Mr. LEYS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty

No. 81.]

BILL.

[1899.

An Act to incorporate The London Young Men's Christian Association.

WHEREAS an Association under the name of The London Preamble.
Young Men's Christian Association has existed for several years in the City of London, having for its object the improvement of the spiritual, intellectual and social condition of young men, and the promotion of christian work in that city, and is governed by a constitution and by-laws which have received the assent of the members of the said Association; and whereas the members of the said Association have by petition prayed to be incorporated; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. W. R. Hobbs, W. M. Spencer, William Bowman, W. H. Incorporation.
Wortman, J. H. Chapman, George A. McGillivray, George Hodge, M.D., F. W. Daly, J. W. Westervelt, F. J. Harrison, Thomas A. Browne, F. H. Heath, R. A. Little, R. Kirkpatrick and C. H. Ivey, and such other persons as now are or hereafter shall become members of the said Association, shall be and they are hereby constituted a body politic and corporate under the name of "The London Young Men's Christian Association," and shall have power to acquire and hold real estate in the said City of London, provided the annual value of real estate so held and not actually used for the work of the said association shall not exceed at any one

time ten thousand dollars, and the same or any part thereof to alienate, exchange, mortgage, lease or otherwise charge or dispose of as occasion may require; and may also acquire any other real estate or interest therein (so long as the annual value of the same shall not at any one time exceed five thousand dollars) by gift, devise or bequest if made at least six months before the death of the party making the same; and may hold such estate or interest therein for a period of not more than seven years, and may within that time alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, county or municipal debentures or other approved securities, for the use of the said corporation; and such estate or interest therein as may not within the said period be alienated or disposed of shall revert to the party from whom the same was acquired, his heirs and representatives.

Personal property to vest in corporation **2.** The personal property of the said Association shall become the property of and is hereby vested in the said corporation.

Objects of corporation. **3.** The object of the said corporation shall be, spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, classes, reading rooms, library, gymnasiums, and such others means as may from time to time be determined upon.

Constitution and by-laws. **4.** The constitution and by-laws by which the said Association is now governed shall be the constitution and by-laws of the said corporation, but they or any of them may be added to, amended or repealed and others substituted therefor in the manner and subject to the conditions and provisions therein stated.

Directors and officers. **5.** The officers and members of the board of directors of the Association at the time of the passing of this Act shall be the officers and members of the board of directors of said Corporation and shall retain their respective offices and positions until others shall be elected in their place.

Annual return **6.** The said corporation shall at all times when required by the Lieutenant-Governor of the Province make an annual return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

Purposes for which funds are to be used. **7.** The funds of the said corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said corporation to engage in business of trading in real estate.

8. The real estate of the said corporation shall become the property of and is hereby vested in the said corporation ^{Real estate how managed.} ~~and~~ subject to existing encumbrances thereon ~~and~~ and shall be managed and controlled by a Board of not less than five trustees who shall be elected in accordance with the constitution and by-laws of the corporation, and the real estate shall not, nor shall any part thereof, be liable for any future debts or obligations, unless the debt or obligation shall have been contracted with the consent of the board of trustees, expressed by resolution duly passed and recorded.

9. The corporation may by by-law increase or decrease the number of its trustees and provide as to their qualification, mode of election and the time for which they shall hold office. ^{Number and qualification of trustees.}

10. The said corporation shall have power to establish a system of technical education, including such branches of mechanical science and the development of such of the industrial arts as the board of directors of said corporation may from time to time determine.

11. The buildings of the Young Men's Christian Association of the City of London and the land whereon the same is erected shall, so long as the same are occupied by and used for the purposes of the association, be and the same are hereby declared to be exempt from taxation ~~and~~ provided that the public hall or auditorium in the said buildings shall not be included in the said exemption. ~~and~~

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act Respecting The London Young
Men's Christian Association.

First Reading, 8th March, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. LEYS.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty

No. 82.]

BILL.

[1899.]

An Act respecting the corporation of the town of Midland.

WHEREAS the corporation of the town of Midland and Preamble.
the Canada Iron Furnace Company (Limited), of Montreal, have respectively, by their several petitions, prayed that an Act may be passed confirming and validating a certain
5 agreement, made on the 15th day of February, 1899, by and between the corporation of the town of Midland (hereinafter called "the corporation"), of the first part, and the Canada Iron Furnace Company (Limited), of Montreal (hereinafter called "the company"), of the second part, which said agree-
10 ment is set out in full in schedule A. to this Act; and whereas the said corporation have prayed that an Act may be passed, authorizing the submission of a by-law to the ratepayers of the said town of Midland for the granting of a bonus of \$50,000 to the said company upon the terms and conditions
15 set forth in the said agreement; and whereas it is desirable to encourage the establishment of iron smelting works and charcoal kilns within the Province of Ontario; and whereas the town of Midland is favorably located for the establishment of such an industry; and whereas the said company
20 have established iron smelting works at Radnor Forges, in the Province of Quebec, and at other places in Canada, and have had considerable experience in the production of pig-iron and its allied industries; and whereas the establishment of such an industry will give employment to a very large number of
25 men in the town of Midland and the vicinity thereof; and whereas it is desirable to extend the corporate limits of the

said town of Midland so as to include within such limits the proposed site of such iron smelting works and charcoal kilns; and whereas it is expedient to grant the prayer of the said petitions.

Therefore Her Majesty, by and with the advice and consent 5
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

Authority to
grant bonus.

1. Subject as hereinafter provided, it shall be lawful for the corporation of the town of Midland to grant the sum of \$50,000 by way of bonus to the Canada Iron Furnace Com- 10
pany, Limited, of Montreal, for the establishment of iron smelting works and charcoal kilns in the said town of Midland, and to issue debentures to raise the said sum of \$50,000, the payment of such debentures to extend over a period of forty years, subject to such terms, conditions and restrictions 15
as the council of the said corporation may deem expedient.

Assent of
ratepayers
necessary.

2. No such by-law shall be passed until the assent of the electors of the said town has been obtained, in conformity with the provisions of *The Municipal Act* in respect of by-laws for creating debts; and the assent of one-third of all 20
the ratepayers entitled to vote shall be necessary, as well as the assent of the majority of the ratepayers voting on such
by-law.

R.S.O. c. 223.

Interested
persons not to
vote.

3. No property owner or lessee interested or holding shares or stock in the said company shall be qualified to vote on such 25
by-law.

Issue of debentures.

4. The debentures to be issued for such bonus may be issued at such time or times as shall be provided in such by-law for granting the said bonus, and the issue thereof may be postponed until the conditions contained in the by-law and the 30
said agreement have been fulfilled.

Agreement
confirmed.

5. Subject as herein provided, the agreement between the said corporation and the said company, which is set out in Schedule A. to this Act, is hereby ratified and confirmed and made legal, in the same manner and to the same extent as if 35
it were set out at length and incorporated in this Act.

Limits de-
fined.

6. The lands set out and described in Schedule B. to this Act, are hereby declared to be within the corporate limits of the said town of Midland, and the boundaries of the said town are hereby varied to such extent.

SCHEDULE A.

(Section 5.)

This memorandum of agreement, made in duplicate and entered into at the city of Montreal, in the Province of Quebec, Canada, on this fifteenth day of February, A.D. 1899, by and between the Canada Iron Furnace Company, Limited a corporation having its head office at Montreal aforesaid, and herein acting by P. H. Griffin, president, and Geo. E. Drummond, managing director and treasurer, hereto duly authorized by a resolution of the board of directors (hereinafter called "the company"), of the first part, and the corporation of the town of Midland, herein acting and represented by Silas A. Milligan, the mayor, and W. Finlayson, acting for the firm of Bennett & Finlayson, solicitors of the said town (hereinafter called "the corporation"), of the second part.

Whereas the company have in contemplation of the establishment of an iron smelting industry in the said town of Midland, or adjacent thereto, and the said corporation have offered to assist the said enterprise by granting them a bonus to the extent of \$50,000, upon the terms and conditions hereinafter set forth.

Therefore this agreement witnesseth that for the considerations herein set forth, the said parties have, and hereby do covenant, promise and agree each with the other in manner following, that is to say :

First.—The company will cause to be constructed, erected, equipped and developed, an iron smelting works capable of turning out sixty tons of pig iron per day. Such iron smelting works to be of modern design and substantial character, and to be fully and completely equipped with all necessary machinery, plant, furnace stack, heating oven, blowing engines, boilers, pumps, charcoal kilns, buildings, wharves and premises proper for the working and operating of an iron smelter. The said iron smelting works and charcoal kilns shall be erected and put in operation within eighteen months from the date hereof. Upon the final completion of said works, as hereinafter provided, there shall have been expended in the construction, erection, equipment and development thereof a sum of \$250,000.

Second.—The company covenant, promise and agree with the corporation that they will operate the said smelting works and charcoal kilns as follows:—

(a) That the output of said furnace shall average sixty tons of pig iron of a merchantable quality for each working day during the year, as provided in section (b) hereof.

(b) That they will carry on the operations in connection with the said smelting works for an average of at least three hundred working days per year, during the term of ten years hereinafter provided for, accidents and other circumstances beyond their control excepted.

(c) That they will employ at least seventy men in connection with the work of the said smelter on the premises of the company, during every working day as above defined, such men to be as far as practicable residents of the town of Midland.

(d) That there will be employed an average of one hundred and thirty men during every working day as aforesaid in the cutting and delivery of wood for use as fuel in the said smelter, and in the other subsidiary operations of the company.

(e) That they will pay monthly in cash in the town of Midland to all men employed by them in or about the said smelter, or in preparing wood for fuel.

(f) That they will not engage in, or be connected with, any business as merchants in the county of Simcoe, but will themselves deal, and encourage their men to deal, with the merchants of the town of Midland.

(g) That they will operate the said smelting works and charcoal kilns as provided in this section, for ten years from the time they receive the said sum of \$50,000 as hereinafter provided.

(h) That the company will consume on the average forty thousand cords of wood in each and every year in the operations of the said smelter on their premises in the town of Midland.

(i) That the company will furnish the corporation with at least two thousand tons of slag for road material in each and every year from and after two years from the date hereof.

Third.—The said bonus of \$50,000 shall be payable as soon as the works of the company have been put in operation, and have, during thirty days, produced an average of sixty tons of pig iron of a merchantable quality per day as herein specified, and the company shall have expended seventy per cent. of said sum of \$250,000. The corporation shall have the right to appoint an engineer to inspect the said works jointly with the engineer of the company, and to verify said expenditure, as herein provided, the said engineers to report jointly to the corporation.

Fourth.—The company agree to erect the said iron smelting works and charcoal kilns within the corporate limits of the town of Midland, or upon one of the two following sites :—

(a) Forty acres of lot 110, in the first concession of the township of Tay, in the county of Simcoe, or

(b) Part of lot 21, in the third concession of the township of Tay, in the county of Simcoe.

In the event of the company deciding to locate the said smelting works without the present limits of the said town of Midland, the company agree with the corporation to join in any proceedings necessary to extend the corporate limits, so as to include such proposed site within the town of Midland.

Fifth.—The corporation agree to place a fixed assessment of \$25,000 on the said iron smelting works and charcoal kilns, for a period of ten years from and after the payment of the bonus of \$50,000. Such assessment shall be placed on all the property and plant of the company used in the manufacture of charcoal pig iron, and shall not include an assessment on other property acquired by the company for residential purposes, or for any other business purposes.

Sixth.—The intention of the company is to work and operate the said smelting works to the fullest extent the state of trade will permit, but to provide against disputes it is hereby provided that should the company not fulfil the terms and conditions of this agreement, or be unwilling to continue the operation of the said smelting works and charcoal kilns, as herein provided, they may give the corporation one month's notice in writing of such intention and at the end of such month their obligations under this agreement shall cease and determine. In either of such cases the company shall refund to the corporation such sum as shall be found to be due, calculated on the following basis (which sum shall be an ascertained and liquidated amount in full of all claims and demands) viz : The sum of \$5,000 for each and every year which remains of the period of ten years provided for in sections 2 and 3 of this agreement, from the time of the breach or giving of such notice, exclusive of the year in which such breach occurs or notice is given.

Seventh.—It is further mutually agreed that the parties hereto will severally use all reasonable and lawful means to have an Act passed by the Legislature of the Province of Ontario, confirming this agreement, and

also authorizing the passage of a by-law by the municipal council of the town of Midland providing for the granting of the said bonus of \$50 000, and for the issue of debentures for said purpose. The said Act shall contain such further and other provisions as may be necessary to give full effect to the true intentions of this agreement. It is further agreed that the company will bear all costs, legal expenses, and disbursements incurred in applying for such legislation.

Eighth.—This agreement is subject to the assent of the rate-payers of the town of Midland being obtained in the manner provided by law, and is also subject to the obtaining of the necessary legislation as provided in the preceding section.

In witness whereof the parties have hereto set their hands at Montreal aforesaid the day and year first above written, as witness the seals of said respective corporations.

Canada Iron Furnace Co., Limited.

P. H. GRIFFIN,
President.

GEO. E. DRUMMOND,
Managing Director and Treasurer,
The Corporation of the Town of Midland.

S. A. MILLIGAN,
Mayor.

W. FINLAYSON,
Solicitor.

In Presence of

W. J. WHITE, Solicitor,
Montreal.

SCHEDULE B.

(Section 6.)

Lots 108, 109, 110 and 111 in the first concession of Tay with adjacent water frontages, and lots 105, 106, 107 and 111 in the second concession of the said Township of Tay with adjacent water frontages also lots 19, 20, 21 and 22 in the third concession of Tay, with adjacent water frontage.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the corporation of the
town of Midland.

First Reading , 1899.

MR. MISCAMPBELL.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 82.]

BILL.

[1899.]

An Act respecting the corporation of the town of Midland.

WHEREAS the corporation of the town of Midland and Preamble.
the Canada Iron Furnace Company (Limited), of Montreal, have respectively, by their several petitions, prayed that an Act may be passed confirming and validating a certain agreement, made on the 15th day of February, 1899, by and between the corporation of the town of Midland (hereinafter called "the corporation"), of the first part, and the Canada Iron Furnace Company (Limited), of Montreal (hereinafter called "the company"), of the second part, which said agreement is set out in full in schedule A. to this Act; and whereas it is *urged that it is* desirable to encourage the establishment of iron smelting works and charcoal kilns within the Province of Ontario and *that* the town of Midland is favorably located for the establishment of such an industry; and whereas the said company has established iron smelting works at Radnor Forges, in the Province of Quebec, and at other places in Canada, and has had considerable experience in the production of pig-iron and its allied industries; and whereas *it is represented that* the establishment of such an industry will give employment to a very large number of men in the town of Midland and the vicinity thereof; and whereas it is ~~is~~ also represented that it is ~~is~~ desirable to extend the corporate limits of the said town of Midland so as to include within such limits the proposed site of such iron smelting works and charcoal kilns; ~~and~~ and whereas a by-law for the purposes aforesaid was on the 17th day of March, 1899,

submitted to the duly qualified ratepayers of the said Town of Midland and the same was carried in the affirmative by a vote of 258, or considerably over two-thirds, to 16, and the said by-law has been duly passed by the municipal council of the said Town of Midland; and whereas no opposition has been offered to the said petitions; ^{and} and whereas it is expedient to grant the prayer of the said petitions.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Authority to
grant bonus.

1. Subject as hereinafter provided, it shall be lawful for the corporation of the town of Midland to grant the sum of \$50,000 by way of bonus to the Canada Iron Furnace Company, Limited, of Montreal, for the establishment of iron smelting works and charcoal kilns in the said town of Midland, and to issue debentures to raise the said sum of \$50,000, the payment of such debentures to extend over a period of forty years, subject to such terms, conditions and restrictions as the council of the said corporation may deem expedient.

Issue of debentures.

2. The debentures to be issued for such bonus may be issued at such time or times as provided in the by-law for granting the said bonus, and the issue thereof may be postponed until the conditions contained in the by-law and the said agreement have been fulfilled, ^{and} and the corporation of the Town of Midland is hereby in all respects authorized and empowered upon the passing of this Act to issue the debentures mentioned in the said by-law notwithstanding that the same are intended to extend over a period of 30 years and to make provision for payment thereof pursuant to the provisions contained in the said by-law. ^{and}

Agreement
confirmed.

3. Subject as herein provided, the agreement between the said corporation and the said company, which is set out in Schedule A. to this Act, is hereby ratified and confirmed and made legal, in the same manner and to the same extent as if it were set out at length and incorporated in this Act.

Company's
lands to be
included in
town limits.

^{and} 4. Such lands adjacent to the present limits of the said town and not exceeding 200 acres in area as may be acquired by the said company either by purchase or otherwise for the purposes of the said company shall and the same are hereby declared to be within the corporate limits of the said Town of Midland, for all Municipal and Legislative purposes. ^{and}

SCHEDULE A.

(Section 3.)

This memorandum of agreement, made in duplicate and entered into at the city of Montreal, in the Province of Quebec, Canada, on this fifteenth day of February, A.D. 1899, by and between the Canada Iron Furnace Company, Limited, a corporation having its head office at Montreal aforesaid, and herein acting by P. H. Griffin, president, and Geo. E. Drummond, managing director and treasurer, hereto duly authorized by a resolution of the board of directors (hereinafter called "the company"), of the first part, and the corporation of the town of Midland, herein acting and represented by Silas A. Milligan, the mayor, and W. Finlayson, acting for the firm of Bennett & Finlayson, solicitors of the said town (hereinafter called "the corporation"), of the second part.

Whereas the company have in contemplation of the establishment of an iron smelting industry in the said town of Midland, or adjacent thereto, and the said corporation have offered to assist the said enterprise by granting them a bonus to the extent of \$50,000, upon the terms and conditions hereinafter set forth.

Therefore this agreement witnesseth that for the considerations herein set forth, the said parties have, and hereby do covenant, promise and agree each with the other in manner following, that is to say :

First.—The company will cause to be constructed, erected, equipped and developed, an iron smelting works capable of turning out sixty tons of pig iron per day. Such iron smelting works to be of modern design and substantial character, and to be fully and completely equipped with all necessary machinery, plant, furnace stack, heating oven, blowing engines, boilers, pumps, charcoal kilns, buildings, wharves and premises proper for the working and operating of an iron smelter. The said iron smelting works and charcoal kilns shall be erected and put in operation within eighteen months from the date hereof. Upon the final completion of said works, as hereinafter provided, there shall have been expended in the construction, erection, equipment and development thereof a sum of \$250,000.

Second.—The company covenant, promise and agree with the corporation that they will operate the said smelting works and charcoal kilns as follows:—

(a) That the output of said furnace shall average sixty tons of pig iron of a merchantable quality for each working day during the year, as provided in section (b) hereof.

(b) That they will carry on the operations in connection with the said smelting works for an average of at least three hundred working days per year, during the term of ten years hereinafter provided for, accidents and other circumstances beyond their control excepted.

(c) That they will employ at least seventy men in connection with the work of the said smelter on the premises of the company, during every working day as above defined, such men to be as far as practicable residents of the town of Midland.

(d) That there will be employed an average of one hundred and thirty men during every working day as aforesaid in the cutting and delivery of wood for use as fuel in the said smelter, and in the other subsidiary operations of the company.

(e) That they will pay monthly in cash in the town of Midland to all men employed by them in or about the said smelter, or in preparing wood for fuel.

(f) That they will not engage in, or be connected with, any business as merchants in the county of Simcoe, but will themselves deal, and encourage their men to deal, with the merchants of the town of Midland.

(g) That they will operate the said smelting works and charcoal kilns as provided in this section, for ten years from the time they receive the said sum of \$50,000 as hereinafter provided.

(h) That the company will consume on the average forty thousand cords of wood in each and every year in the operations of the said smelter on their premises in the town of Midland.

(i) That the company will furnish the corporation with at least two thousand tons of slag for road material in each and every year from and after two years from the date hereof.

Third.—The said bonus of \$50,000 shall be payable as soon as the works of the company have been put in operation, and have, during thirty days, produced an average of sixty tons of pig iron of a merchantable quality per day as herein specified, and the company shall have expended seventy per cent. of said sum of \$250,000. The corporation shall have the right to appoint an engineer to inspect the said works jointly with the engineer of the company, and to verify said expenditure, as herein provided, the said engineers to report jointly to the corporation.

Fourth.—The company agree to erect the said iron smelting works and charcoal kilns within the corporate limits of the town of Midland, or upon one of the two following sites :—

(a) Forty acres of lot 110, in the first concession of the township of Tay, in the county of Simcoe, or

(b) Part of lot 21, in the third concession of the township of Tay, in the county of Simcoe.

In the event of the company deciding to locate the said smelting works without the present limits of the said town of Midland, the company agree with the corporation to join in any proceedings necessary to extend the corporate limits, so as to include such proposed site within the town of Midland.

Fifth.—The corporation agree to place a fixed assessment of \$25,000 on the said iron smelting works and charcoal kilns, for a period of ten years from and after the payment of the bonus of \$50,000. Such assessment shall be placed on all the property and plant of the company used in the manufacture of charcoal pig iron, and shall not include an assessment on other property acquired by the company for residential purposes, or for any other business purposes.

Sixth.—The intention of the company is to work and operate the said smelting works to the fullest extent the state of trade will permit, but to provide against disputes it is hereby provided that should the company not fulfil the terms and conditions of this agreement, or be unwilling to continue the operation of the said smelting works and charcoal kilns, as herein provided, they may give the corporation one month's notice in writing of such intention and at the end of such month their obligations under this agreement shall cease and determine. In either of such cases the company shall refund to the corporation such sum as shall be found to be due, calculated on the following basis (which sum shall be an ascertained and liquidated amount in full of all claims and demands) viz : The sum of \$5,000 for each and every year which remains of the period of ten years provided for in sections 2 and 3 of this agreement, from the time of the breach or giving of such notice, exclusive of the year in which such breach occurs or notice is given.

Seventh.—It is further mutually agreed that the parties hereto will severally use all reasonable and lawful means to have an Act passed by the Legislature of the Province of Ontario, confirming this agreement, and

also authorizing the passage of a by-law by the municipal council of the town of Midland providing for the granting of the said bonus of \$50 000, and for the issue of debentures for said purpose. The said Act shall contain such further and other provisions as may be necessary to give full effect to the true intentions of this agreement. It is further agreed that the company will bear all costs, legal expenses, and disbursements incurred in applying for such legislation.

Eighth.—This agreement is subject to the assent of the rate-payers of the town of Midland being obtained in the manner provided by law, and is also subject to the obtaining of the necessary legislation as provided in the preceding section.

In witness whereof the parties have hereto set their hands at Montreal aforesaid the day and year first above written, as witness the seals of said respective corporations.

Canada Iron Furnace Co., Limited.

P. H. GRIFFIN,
President.

GEO. E. DRUMMOND,

Managing Director and Treasurer,
The Corporation of the Town of Midland.

S. A. MILLIGAN,
Mayor.

W. FINLAYSON,
Solicitor.

In Presence of

W. J. WHITE, Solicitor,
Montreal.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the corporation of the
town of Midland.

First Reading, 28th February, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. MISCAMPBELL.

TORONTO.

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the town of Fort William.

- WHEREAS the municipal council of the town of Fort Wil- Preamble.
liam have petitioned praying that an Act may be passed
to ratify, confirm and legalize by-law No. 151, intituled " a by-
law to authorise the issue of debentures for the construction of
5 municipal waterworks for the town of Fort William," a copy
of which said by-law is contained in schedule " A "; and where-
as said by-law has been duly approved and assented to by the
ratepayers of the said town who were entitled to vote thereon,
and was finally passed by the council of said town on the 20th
10 day of July, 1897; and whereas the system of waterworks
mentioned in said by-law has practically been constructed and
completed; and whereas considerable monies have been bor-
rowed and paid over on account of the construction of said
waterworks by said municipal corporation; and whereas no ap-
15 plication has been made to set aside or quash said by-law and
there is no action pending where the validity thereof is likely
to be called in question; and whereas no debentures have been
issued under said by-law and cannot now be legally issued in
view of the provisions of section 384 of *The Municipal Act*,
20 more than one year having elapsed since the final passing of
said by-law; and whereas said petitioners have prayed for
special legislation in respect of the other enactments hereinafter
contained; and whereas it is expedient to grant the prayer
of said petition :—
- 25 Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows :—

By-law No.
151 confirmed.

1. The said by-law number 151, of the municipal corporation of the town of Fort William, entitled as in the preamble set forth and which said by-law is fully set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the said municipal corporation is hereby authorized and empowered to issue the debentures mentioned in said by-law, and the debentures to be so issued under said by-law, when issued, shall be legal, valid and binding upon the said municipal corporation of the town of Fort William, and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

2. Section 2 of section 33, of *The Consolidated High Schools Act, 1897*, is hereby repealed, as from the first day of January, 1899, in so far as it effects, applies or extends to the said town of Fort William or the municipal council thereof.

3.—(1). In order to remove any doubts that may exist, it is hereby declared that, notwithstanding anything contained in *An Act to incorporate the Town of Fort William* or any other Act to the contrary, the provisions of section 2 of *The Municipal Amendment Act, 1898*, were intended, always did, do, and said Act and any Act amending same shall apply to the town of Fort William and the municipal council thereof to the same extent and in the same manner as it would have if the district comprised in said town had been an incorporated village and had been erected into a town under the provisions of the general municipal laws and Act of Ontario; and said Act of incorporation is declared to have been and is hereby repealed in so far as it is inconsistent with the provisions of said section, of *The Municipal Amendment Act, 1898*, so applying.

(2). The council of the said town of Fort William for the year 1899, having been composed and elected as if the provisions of subsection 1, of section 2, of *The Municipal Amendment Act, 1898*, did apply to the said town and the council thereof, it is hereby declared that such council is a proper, legal, valid and binding council to all intents and purposes in so far as it was formed, composed and elected in accordance with provisions of said subsection 1, of section 2, of *The Municipal Amendment Act, 1898*.

4. This Act shall not effect any pending litigation.

5. This Act shall be cited as *An Act respecting the Town of Fort William, 1899*.

SCHEDULE A.

By-law No. 151, to authorise the issue of debentures for the construction of municipal waterworks for the town of Fort William.

Whereas the council of the corporation of the town of Fort William deem it expedient and necessary to raise the sum of thirty-five thousand dollars for the said purpose by the issue of debentures to that amount—said debentures to bear interest at the rate of five per cent. per annum and be redeemable in thirty years from the date hereof.

And whereas it will require the sum of seventeen hundred and fifty dollars to be raised annually by a special rate for the payment of the interest during the currency of the said debentures and also the sum of six hundred dollars to be raised annually by the creation of a sinking fund for the payment of the principal, the two sums amounting together to twenty-three hundred and fifty dollars to be raised as an annual rate.

And whereas, the amount of the whole rateable property of the town of Fort William according to the last revised assessment amounts to nine hundred thousand five hundred and sixty-five dollars and fifty cents.

And whereas the existing debenture debt, (exclusive of local improvement debentures) amounts to one hundred and five thousand two hundred and ninety-five dollars and twenty-two cents, and no principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Fort William enacts as follows :—

1st. That a system of waterworks with all necessary buildings, materials and machinery and appurtenances thereto belonging be constructed and built in the said town of Fort William.

2nd. That for the purpose aforesaid it shall and may be lawful for the municipal council of the corporation of the town of Fort William to borrow the said sum of thirty-five thousand dollars and to issue the debentures of the said corporation to the amount of thirty-five thousand dollars in sums of not less than one hundred dollars each payable at the end of thirty years from the date on which this by-law takes effect and to bear interest at a rate not exceeding five per cent. per annum payable half yearly on the first day of February and August in each and every year during the currency of the said debentures.

3rd. The said debentures as to principal and interest shall be payable at the bank of Montreal at Fort William or at the office of the treasurer of the town of Fort William.

4th. It shall be lawful for the mayor of the said corporation and he is hereby authorised and instructed to sign and issue the said debentures hereby authorised to be issued and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said corporation, and the clerk of the said corporation is hereby authorised to attach the seal of the said corporation to the said debentures.

5th. There shall be raised and levied annually by a special levy on all rateable property the sum of seventeen hundred and fifty dollars for the payment of interest during the currency of the said debentures and also the sum of six hundred dollars for the payment of the said debt.

6th. That the sum of thirty-five thousand dollars so raised upon the credit of the said debentures shall be expended in the construction of a municipal waterworks in the town of Fort William.

7th. This by-law shall take effect on the 21st day of July, A.D., 1897.

8th. The votes of the ratepayers of the said municipality shall be taken on

this by-law at the following times and places, and by the following deputy returning officers, that is to say, on Friday, the ninth day of July, A.D., 1897, at the hour of nine o'clock in the forenoon and continuing till the hour of five o'clock in the afternoon of the same day.

In ward No. 1 at the house of John W. Robertson, corner of McGillivray and McTavish streets by W. C. Mapledoram, deputy returning officer.

In ward No. 2 at the old council chamber at the corner of Donald and Brodie streets, by James McLaren, deputy returning officer.

In ward No. 3 at the house of Sherman Stevens, corner of Syndicate avenue and Ridgeway street by William Polling, deputy returning officer, and

In ward No. 4 at the court room, Frederica street, by Neil Ward, deputy returning officer.

9th. On Thursday, the 8th day of July, A.D. 1897, the Mayor shall attend at the council chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10th. The clerk of the said council of the said corporation shall attend at the council chamber at the town of Fort William at ten o'clock in the forenoon of Saturday, the 10th day of July, A.D. 1897, and sum up the number of votes for and against the said by-law and that the said by-law shall be finally considered in council on Tuesday, the 20th day of July, A.D. 1897.

(Sgd.) E. S. RUTLEDGE,
Clerk of the corporation of the town of Fort William.
(S'gd.) JOHN McKELLAR,
Mayor.

(Corporate Seal.)

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the town of Fort William,
1899.

First Reading,	1899.
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(Private Bill.)

Mr. CONNELL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 83.]

BILL

[1899.]

An Act respecting the town of Fort William.

WHEREAS the municipal council of the town of Fort Wil- Preamble.
liam have petitioned praying that an Act may be passed to ratify, confirm and legalize by-law No. 151, intituled " a by-law to authorise the issue of debentures for the construction of municipal waterworks for the town of Fort William," a copy of which said by-law is contained in schedule " A "; and whereas said by-law has been duly approved and assented to by the ratepayers of the said town who were entitled to vote thereon, and was finally passed by the council of said town on the 20th day of July, 1897; and whereas the system of waterworks mentioned in said by-law has practically been constructed and completed; and whereas considerable monies have been borrowed and paid over on account of the construction of said waterworks by said municipal corporation; and whereas no application has been made to set aside or quash said by-law and there is no action pending *whereby* the validity thereof is likely to be called in question; and whereas no debentures have been issued under said by-law and cannot now be legally issued in view of the provisions of section 384 of *The Municipal Act*, more than one year having elapsed since the final passing of said by-law; and whereas said petitioners have prayed for special legislation in respect of the other enactments hereinafter contained; and whereas it is expedient to grant the prayer of said petition :—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No.
151 confirmed.

1. The said by-law number 151, of the municipal corporation of the town of Fort William, entitled as in the preamble set forth and which said by-law is fully set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the said municipal corporation is hereby authorized and empowered to issue the debentures mentioned in said by-law, and the debentures to be so issued under said by-law, when issued, shall be legal, valid and binding upon the said municipal corporation of the town of Fort William, and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

2.—(1). In order to remove any doubts that may exist, it is hereby declared that, notwithstanding anything contained in *An Act to incorporate the Town of Fort William* or any other Act to the contrary, the provisions of section 2 of *The Municipal Amendment Act, 1898*, were intended to apply, always did and do apply, and said Act and any Act amending same shall apply to the town of Fort William and the municipal council thereof to the same extent and in the same manner as would have been the case if the district comprised in said town had been an incorporated village and had been erected into a town under the provisions of the general municipal laws of Ontario; and said Act of incorporation is declared to have been and is hereby repealed in so far as it is inconsistent with the application of the provisions of said section, of *The Municipal Amendment Act, 1898*.

(2). The council of the said town of Fort William for the year 1899, having been composed and elected as if the provisions of subsection 1, of section 2, of *The Municipal Amendment Act, 1898*, applied to the said town and the council thereof, it is hereby declared that such council is a proper, legal, valid and binding council to all intents and purposes in so far as it was formed, composed and elected in accordance with provisions of said subsection 1, of section 2, of *The Municipal Amendment Act, 1898*.

4. This Act shall not effect any pending litigation.

5. This Act shall be cited as *An Act respecting the Town of Fort William, 1899*.

SCHEDULE A.

By-law No. 151, to authorise the issue of debentures for the construction of municipal waterworks for the town of Fort William.

Whereas the council of the corporation of the town of Fort William deem it expedient and necessary to raise the sum of thirty-five thousand dollars for the said purpose by the issue of debentures to that amount—said debentures to bear interest at the rate of five per cent. per annum and be redeemable in thirty years from the date hereof.

And whereas it will require the sum of seventeen hundred and fifty dollars to be raised annually by a special rate for the payment of the interest during the currency of the said debentures and also the sum of six hundred dollars to be raised annually by the creation of a sinking fund for the payment of the principal, the two sums amounting together to twenty-three hundred and fifty dollars to be raised as an annual rate.

And whereas, the amount of the whole rateable property of the town of Fort William according to the last revised assessment amounts to nine hundred thousand five hundred and sixty-five dollars and fifty cents.

And whereas the existing debenture debt, (exclusive of local improvement debentures) amounts to one hundred and five thousand two hundred and ninety-five dollars and twenty-two cents, and no principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Fort William enacts as follows :—

1st. That a system of waterworks with all necessary buildings, materials and machinery and appurtenances thereto belonging be constructed and built in the said town of Fort William.

2nd. That for the purpose aforesaid it shall and may be lawful for the municipal council of the corporation of the town of Fort William to borrow the said sum of thirty-five thousand dollars and to issue the debentures of the said corporation to the amount of thirty-five thousand dollars in sums of not less than one hundred dollars each payable at the end of thirty years from the date on which this by-law takes effect and to bear interest at a rate not exceeding five per cent. per annum payable half yearly on the first day of February and August in each and every year during the currency of the said debentures.

3rd. The said debentures as to principal and interest shall be payable at the bank of Montreal at Fort William or at the office of the treasurer of the town of Fort William.

4th. It shall be lawful for the mayor of the said corporation and he is hereby authorised and instructed to sign and issue the said debentures hereby authorised to be issued and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said corporation, and the clerk of the said corporation is hereby authorised to attach the seal of the said corporation to the said debentures.

5th. There shall be raised and levied annually by a special levy on all rateable property the sum of seventeen hundred and fifty dollars for the payment of interest during the currency of the said debentures and also the sum of six hundred dollars for the payment of the said debt.

6th. That the sum of thirty-five thousand dollars so raised upon the credit of the said debentures shall be expended in the construction of a municipal waterworks in the town of Fort William.

7th. This by-law shall take effect on the 21st day of July, A.D., 1897.

8th. The votes of the ratepayers of the said municipality shall be taken on

this by-law at the following times and places, and by the following deputy returning officers, that is to say, on Friday, the ninth day of July, A.D., 1897, at the hour of nine o'clock in the forenoon and continuing till the hour of five o'clock in the afternoon of the same day.

In ward No. 1 at the house of John W. Robertson, corner of McGillivray and McTavish streets by W. C. Mapledoram, deputy returning officer.

In ward No. 2 at the old council chamber at the corner of Donald and Brodie streets, by James McLaren, deputy returning officer.

In ward No. 3 at the house of Sherman Stevens, corner of Syndicate avenue and Ridgeway street by William Polliog, deputy returning officer, and

In ward No. 4 at the court room, Frederica street, by Neil Ward, deputy returning officer.

9th. On Thursday, the 8th day of July, A.D. 1897; the Mayor shall attend at the council chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10th. The clerk of the said council of the said corporation shall attend at the council chamber at the town of Fort William at ten o'clock in the forenoon of Saturday, the 10th day of July, A.D. 1897, and sum up the number of votes for and against the said by-law and that the said by-law shall be finally considered in council on Tuesday, the 20th day of July, A.D. 1897.

(Sgd.) E. S. RUTLEDGE,
Clerk of the corporation of the town of Fort William.
(Sgd.) JOHN McKELLAR,

Mayor.

(Corporate Seal.)

NO. 83.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the town of Fort William,
1899.

First Reading 2nd March, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MT. CONMEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 83.]

BILL

[1899.

An Act respecting the Town of Fort William.

WHEREAS the Municipal Council of the Town of Fort William ^{Preamble.} *has* petitioned praying that an Act may be passed to ratify, confirm and legalize by-law No. 151, intituled "a by-law to authorise the issue of debentures for the construction of municipal waterworks for the town of Fort William," a copy of which said by-law is contained in schedule "A"; and whereas said by-law has been duly approved and assented to by the ratepayers of the said town who were entitled to vote thereon, and was finally passed by the council of said town on the 20th day of July, 1897; and whereas the system of waterworks mentioned in said by-law has practically been constructed and completed; and whereas considerable monies have been borrowed and paid over on account of the construction of said waterworks by said municipal corporation; and whereas no application has been made to set aside or quash said by-law and there is no action pending *whereby* the validity thereof is likely to be called in question; and whereas no debentures have been issued under said by-law and cannot now be legally issued in view of the provisions of section 384 of *The Municipal Act*, more than one year having elapsed since the final passing of said by-law; and whereas said petitioners have prayed for special legislation in respect of the other enactments hereinafter contained; and whereas it is expedient to grant the prayer of said petition:—

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

By-law No.
151 confirmed.

1. The said by-law number 151, of the municipal corporation of the town of Fort William, entitled as in the preamble set forth and which said by-law is fully set out in schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the said municipal corporation is hereby authorized and empowered to issue the debentures mentioned in said by-law, and the debentures to be so issued under said by-law, when issued, shall be legal, valid and binding upon the said municipal corporation of the town of Fort William, and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

 2.—(1) In order to remove any doubts that may exist as to the legality of the elections of the members of the municipal council of the Town of Fort William for the year 1899, the said election is hereby declared to be and to have been legal and valid, and the mayor and councillors elected at the said election are declared to constitute and to have constituted the municipal council of the Corporation of the Town of Fort William for the year 1899 within the meaning of *The Municipal Act*, and the Special Act, 55 Vic. c. 70, relating to the incorporation of the said town.

 (2) Save as provided by subsection 1 of this section, it is hereby declared that the provisions of *The Municipal Amendment Act*, 1898, in so far as the same are inconsistent with the provisions of the said Special Act, shall not apply to the said town. 

3. This Act shall not affect any pending litigation.

4. This Act shall be cited as *An Act respecting the Town of Fort William, 1899*.

SCHEDULE A.

By-law No. 151, to authorise the issue of debentures for the construction of municipal waterworks for the town of Fort William.

Whereas the council of the corporation of the town of Fort William deem it expedient and necessary to raise the sum of thirty-five thousand dollars for the said purpose by the issue of debentures to that amount—said debentures to bear interest at the rate of five per cent. per annum and be redeemable in thirty years from the date hereof.

And whereas it will require the sum of seventeen hundred and fifty dollars to be raised annually by a special rate for the payment of the interest during the currency of the said debentures and also the sum of six hundred dollars to be raised annually by the creation of a sinking fund for the payment of the principal, the two sums amounting together to twenty-three hundred and fifty dollars to be raised as an annual rate.

And whereas, the amount of the whole rateable property of the town of Fort William according to the last revised assessment amounts to nine hundred thousand five hundred and sixty-five dollars and fifty cents.

And whereas the existing debenture debt, (exclusive of local improvement debentures) amounts to one hundred and five thousand two hundred and ninety-five dollars and twenty-two cents, and no principal or interest is in arrears.

Therefore the municipal council of the corporation of the town of Fort William enacts as follows :—

1st. That a system of waterworks with all necessary buildings, materials and machinery and appurtenances thereto belonging be constructed and built in the said town of Fort William.

2nd. That for the purpose aforesaid it shall and may be lawful for the municipal council of the corporation of the town of Fort William to borrow the said sum of thirty-five thousand dollars and to issue the debentures of the said corporation to the amount of thirty-five thousand dollars in sums of not less than one hundred dollars each payable at the end of thirty years from the date on which this by-law takes effect and to bear interest at a rate not exceeding five per cent. per annum payable half yearly on the first day of February and August in each and every year during the currency of the said debentures.

3rd. The said debentures as to principal and interest shall be payable at the bank of Montreal at Fort William or at the office of the treasurer of the town of Fort William.

4th. It shall be lawful for the mayor of the said corporation and he is hereby authorised and instructed to sign and issue the said debentures hereby authorised to be issued and to cause the same and the interest coupons thereto attached to be signed by the treasurer of the said corporation, and the clerk of the said corporation is hereby authorised to attach the seal of the said corporation to the said debentures.

5th. There shall be raised and levied annually by a special levy on all rateable property the sum of seventeen hundred and fifty dollars for the payment of interest during the currency of the said debentures and also the sum of six hundred dollars for the payment of the said debt.

6th. That the sum of thirty-five thousand dollars so raised upon the credit of the said debentures shall be expended in the construction of a municipal waterworks in the town of Fort William.

7th. This by-law shall take effect on the 21st day of July, A.D., 1897.

8th. The votes of the ratepayers of the said municipality shall be taken on

this by-law at the following times and places, and by the following deputy returning officers, that is to say, on Friday, the ninth day of July, A.D., 1897, at the hour of nine o'clock in the forenoon and continuing till the hour of five o'clock in the afternoon of the same day.

In ward No. 1 at the house of John W. Robertson, corner of McGillivray and McTavish streets by W. C. Mapledoram, deputy returning officer.

In ward No. 2 at the old council chamber at the corner of Donald and Brodie streets, by James McLaren, deputy returning officer.

In ward No. 3 at the house of Sherman Stevens, corner of Syndicate avenue and Ridgeway street by William Polling, deputy returning officer, and

In ward No. 4 at the court room, Frederica street, by Neil Ward, deputy returning officer.

9th. On Thursday, the 8th day of July, A.D. 1897, the Mayor shall attend at the council chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing the passing of the said by-law.

10th. The clerk of the said council of the said corporation shall attend at the council chamber at the town of Fort William at ten o'clock in the forenoon of Saturday, the 10th day of July, A.D. 1897, and sum up the number of votes for and against the said by-law and that the said by-law shall be finally considered in council on Tuesday, the 20th day of July, A.D. 1897.

(S'gd.) E. S. RUTLEDGE,
Clerk of the corporation of the town of Fort William.
(S'gd.) JOHN McKELLAR,
Mayor.

(Corporate Seal.)

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the town of Fort William,
1899.

First Reading 2nd March, 1899.
Second Reading, 15th March, 1899.

*(Reprinted as amended by Committee of
the Whole.)*

Mr. CONMEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 84.]

BILL.

[1899.

An Act to Incorporate the North Lanark Railway Company.

WHEREAS the construction of a railway from a point on the Kingston and Pembroke Railway at or near Mile Lake in the Township of Blythfield in the County of Renfrew, thence passing through the Townships of Darling and Pak-
5 enham in the County of Lanark, and if necessary through a part of the Township of McNab in the County of Renfrew to some point on the Canadian Pacific Railway or the Ottawa Arnprior and Parry Sound Railway at or near the Town of Arnprior in the County of Renfrew is desirable; and whereas
10 the persons hereinafter named have by their petition prayed that they may be incorporated for the purpose of constructing and operating such railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
15 of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Alfred Willson of the City of Toronto in the County of York, William J. Rintoul, David Barr and Robert Jordan all of the Township of Darling in the County of Lanark, James W. Wylie and Andrew Bell both of the Town of Almonte in the said County of Lanark, John Stewart of the Township of McNab in the County of Renfrew, Hugh F. McLachlin and James Bell both of the Town of Arnprior in the County of Renfrew together with all such other persons and corporations

as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The North Lanark Railway Company."

Location of line.

2. The said company shall have full power and authority to survey, lay out, construct, complete, equip and operate a railway from a point at or near Mile Lake in the Township of Blythfield in the County of Renfrew, thence passing through the Townships of Darling and Pakenham in the County of Lanark and if necessary through part of the Township of McNab in the County of Renfrew and the Township of Fitzroy in the County of Carleton to some point on the Canadian Pacific Railway or the Ottawa Arnprior and Parry Sound Railway at or near the Town of Arnprior in the County of Renfrew.

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Alfred Willson, William J. Rintoul, David Barr, Robert Jordan, James W. Wylie, Andrew Bell, John Stewart, Hugh F. McLachlin and James Bell shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock and to sue for and recover the same and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such ex-

Rev. Stat. 207

clusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Arnprior in the County of Renfrew or at such other place as may best suit the interest of the said company.

- 5 6. Conveyances of land to the said company for the purpose of this Act made in the form set forth in the Schedule A to this Act, or to take the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of
 10 dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all
 15 entries and certificates thereof, and certificates endorsed upon the duplicate thereof.

Form of conveyance of land.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per
 20 centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions not binding until approved.

8. The said company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the
 25 construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to company.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*) to be divided into two thousand five hundred shares of \$100 each and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall
 35 be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other
 40 purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall
 45 have been given and passed by a majority of the said municipal corporation authorize the Treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall there-

Capital stock.

Rev. Stat. 207.

after, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

First election
of directors.

10. When and as soon as shares to the amount of \$25,000 of capital stock in said company shall have been subscribed 5 and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call 10 a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least two week's notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the County of Lanark of the time, place and purpose of said meeting. 15

Number of
directors and
quorum.

11. At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting have so paid up ten per centum on the stock sub- 20 scribed by them, shall elect five persons to be directors of the said company, which said directors shall constitute a board of 20 directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not incon- 25 sistent with this Act and *The Railway Act of Ontario*.

Qualification
of directors

12. No person shall be qualified to be elected as such direc- tor by the shareholders unless he be a shareholder holding at least five shares of stock in the said company, and unless he has paid up all calls thereon.

Calls.

13. The directors may from time to time make calls as they 30 shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act.

Certain pay-
ments may be
made in stocks
or bonds.

14. The provisional directors or the elected directors may 35 pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to en- gineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the share- 40 holders at any general meeting, for the services of the pro- 40 moters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. 45

Annual meet-
ings.

15. Thereafter the general annual meeting of the share- holders of the said company shall be held in such place in the

town of Arnprior, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given, at least two weeks previously, in the *Ontario Gazette*, and once a week in one newspaper published in the county of Lanark, during the two weeks preceding the week in which such meeting is to be held.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by laws of said company, upon such notice as is provided in the last preceding section. Special meeting.

17. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or taking stock, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect of granting aid by way of bonuses to railways. Aid from municipalities
Proviso.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

2. In the case of a county municipality, the petition shall be that of a majority of the county councillors or of twenty-five resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto. Rev. Stat. c. 223.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof or of twenty-five resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid. Rev. Stat. c. 223.

4. In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds or by lots and concessions, and shall be

that of a majority of the council of such township municipality or of twenty-five resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

By-law what
to contain.

19. Such by-laws shall in each instance provide:

1. For raising the amount petitioned for in the municipality 5
or portion of the township municipality, as the case may be,
mentioned in the petition, by the issue of debentures of the
county or minor municipality, respectively, and shall also pro-
vide for the delivery of the said debentures or the application
of the amount to be raised thereby, as may be expressed in 10
the said by-law.

2. For assessing and levying on all rateable property lying
within the municipality or portion of the township municipal-
ity defined in said by-law, as the case may be, an annual
special rate sufficient to include a sinking fund for the repay- 15
ment of the said debentures within twenty years, with interest
thereon payable yearly or half-yearly, which debentures the
respective municipal councils, wardens, reeves, mayors, and
other officers thereof are hereby authorized to execute and
issue in such cases respectively. 20

Provision for
referring to
arbitration
disputes as
to by-laws.

20. In case of aid from a county municipality, fifty resi-
dent freeholders of the county may petition the county council
against submitting the said by-law, upon the ground that cer-
tain municipalities or portions thereof comprised in the said
by-law, would be injuriously affected thereby, or upon any 25
other ground, ought not to be included therein, and upon de-
posit by the petitioners with the treasurer of the county a sum
sufficient to defray the expenses of such reference, the said
council shall forthwith refer the said petition to three arbitra-
tors, one being the judge of the county court, one being the 30
registrar of the county or riding in which the county town is
situate, and one being an engineer appointed by the commis-
sioner of public works for Ontario, who shall have power to
confirm or amend the said by-law by excluding any minor
municipality or any section thereof therefrom; and the deci- 35
sion of any two of them shall be final, and the by-law so con-
firmed or amended shall thereupon, at the option of the rail-
way company, be submitted by the council to the duly quali-
fied voters, and in case the by-law is confirmed by the arbitra-
tors the expense of the reference shall be borne by the peti- 40
tioners against the same, but if amended, then by the railway
company or the county, as the arbitrators may order.

Minor muni-
cipality mean-
ing of

21. The term "minor municipality" shall be construed to
mean any town not separated from the municipal county,
township or incorporated village, situate in the county muni- 45
cipality.

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit of expenses.
23. In case the by-law submitted be approved of and carried in accordance with the provision of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law approved council to submit the same.
24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures
25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for the payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on a portion of a municipality
26. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by and for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of Municipal Act as to by-laws
27. The councils for all corporations that may grant aid by way of bonus to or by taking stock in the said company may by resolution or by-law extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. Extension of time for commencement.
28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to or taking stock in the said company by resolution or by-law to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus or to pay for stock subscribed from time to time; provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.
29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate Rate not exceeding three cents in the dollar valid.

annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the rateable property therein.

Exemption
from taxation.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of said company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the said company its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Power to purchase.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to a greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Rev. Stat. c.
207.

Acquiring
gravel, etc. for
constructing
and maintain-
ing railway.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and

all the provisions of *The Railway Act of Ontario* and of this Act as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or
 5 who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think
 10 necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice shall
 15 apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right of way may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may
 20 at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

35. The said company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or
 35 line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be
 40 removed on or before the first day of April next following.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within three months after the passing of the by-law authorizing the same, be
 45 delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of

Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after such notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice 5 in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any 10 trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of
proceeds of
debentures.

37. The said trustees shall receive the said debentures or 15 bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to the time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank hav- 20 ing an office in the Province of Ontario in the name of "The North Lanark Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of 25 the chief engineer of the said railway for the time being in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or 30 delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to
trustees.

38. The trustees shall be entitled to their reasonable fees 35 and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Issue of bonds.

39. The directors of the said company shall have power 40 to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway and the provisions of subsections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the 45 issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said subsections.

Rev. Stat. c.
207.

40. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$50 and any such promissory note or bill of exchange made, accepted or endorsed by the president, 5 vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until 10 the contrary be shown and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued 15 without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes 20 or bills of a bank

Negotiable
instruments.

Proviso.

41. The said company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway.

Pledging
bonds.

42. It shall be lawful for the directors of the said company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, rails and other moveable property 25 from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into any agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock, rails and 30 other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements
with other
railway com-
panies.

43. The said company is authorized and empowered to make necessary arrangements to contract and agree with the 40 Kingston and Pembroke Railway Company, the Canadian Pacific Railway Company or the Ottawa, Arnprior and Parry Sound Railway Company, or any of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amal- 45 gamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Agreements
for amalgama-
tion with other
companies.

Running arrangements with other railways.

44. The said company shall have power to agree for connections and make running arrangements with the Kingston and Pembroke Railway Company, The Canadian Pacific Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company or any of them or any other company if lawfully empowered to enter into such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or any of them, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of any or of all or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and telephone lines.

45. The said company may also construct an electric telegraph line and a telephone line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the said company.

Rights of aliens.

46. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company.

Transfer of shares.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

48. The said company shall have full power and authority Powers.

(1) To survey, lay out, construct, make, complete, alter and keep in repair the railway, with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by electricity or by any combination of them. Construct railway.

(2) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose. and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power houses, warehouses, etc.

(3) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures and from time to time to alter, repair or enlarge the same and to purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary for the working of the railway and the accommodation and use of the passengers, freight and business of the railway. Erect necessary buildings, wharves, etc.

(4) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock and other property of the company. Powers as to production and use of electricity.

(5) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam and Heat, Electricity or Natural Gas for Heat, Light, or Power* and to acquire and hold any property necessary for the purposes mentioned in this subsection. Lease or sell electricity not required. Rev. Stat. c. 200.

(6) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by this Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles or wires on or over such lands as may be determined by the company and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines or the conduits for such electricity, upon and subject to such agreements in respect thereof as shall first be made between the company and any private owners of Acquiring rights for conveying electricity.

the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof, provided such works are not so constructed as to incommode the public use of such roads or highways, or as to be a nuisance thereto, or to impede the free access to any house or other building erected in the vicinity of the same or to endanger or injuriously affect the same or injuriously to interrupt the navigation of such waters. 5 10

All other matters and things necessary for the railway.

(7) To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway in pursuance of and according to the meaning and intent of this Act.

Convey persons and goods on the railway.

(8) To take, transport, carry and convey persons and goods on the railway and to regulate the time and manner in which the same shall be transported. 15

Power to collect back charges on goods.

49. Said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 20 25

Commencement and completion of work.

50. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

Power to contract for construction and equipment of line.

51. The directors of the said company may enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any part thereof, including or excluding the purchase of right of way, and may pay therefor, either in the whole or in part, either in cash or bonds, or in paid up stock; provided, that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same. 30 35

Proviso.

Incorporation of certain provisions of Rev. Stat. c. 207.

52. The several clauses of *The Railway Act of Ontario* and of every Act and amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "This Act" when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof, so incorporated with this Act. 40 45

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of _____ dollars paid to me (or us) by the North Lanark Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of _____ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said company for the purpose of their railway to hold with the appurtenances unto the said The North Lanark Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of _____ A.D. 18 .

Signed, Sealed and Delivered, }

In presence of }

[L.S.]

SCHEDULE B.

(Section 37.)

THE NORTH LANARK RAILWAY COMPANY'S OFFICE, CHIEF ENGINEER'S
CERTIFICATE, ENGINEER'S DEPARTMENT.

No.

A.D. 18

Certificate to be attached to cheques drawn on the North Lanark Railway Municipal Trust Account given under section _____, chapter _____ of the Act of the Legislature of Ontario, passed in the _____ year of Her Majesty's reign.

I, A. B., Chief Engineer of the North Lanark Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. _____ of the township of _____ (or under the agreement dated the _____ day of _____ between the corporation of _____ and the said company) to entitle the said company to receive from the said trust the sum of \$ _____, (here set out the terms and conditions, if any, which have been fulfilled.)

BILL.

An Act to incorporate the North Lanark
Railway Company.

First Reading, , 1899.

(Private Bill).

Mr. CALDWELL.

TORONTO.

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No 84.]

BILL.

[1899.

An Act to Incorporate the North Lanark Railway Company.

⁴³**W**HEREAS Alfred Willson, of the City of Toronto, in the ^{Preamble.} County of York; William J. Rintoul, David Barr and Robert Jordan, all of the Township of Darling, in the County of Lanark; James W. Wylie and Andrew Bell, both of the Town of Almonte, in the said County of Lanark; John Stewart, of the Township of McNab, in the County of Renfrew; Hugh F. McLachlin and James Bell, both of the Town of Arnprior in the said County of Renfrew, have by their petition prayed for an Act of incorporation under the name of "The North Lanark Railway Company" for the purpose of constructing, maintaining and operating a railway from a point at or near Mile Lake in the Township of Blythfield, in the County of Renfrew, thence passing through the townships of Darling and Pakenham in the County of Lanark, or through a part of the Township of McNab in the said County of Renfrew to some point on the Canadian Pacific Railway or the Ottawa, Arnprior and Parry Sound Railway at or near the Town of Arnprior in the said County of Renfrew; and whereas the said petitioners have prayed that power may be given the said company to operate the proposed railway by steam or electricity, but without coming under the general provisions of *The Electric Railway Act*; and whereas it appears that the said railway will be constructed for the most part in a sparsely settled and undeveloped portion of the Province; and whereas the circumstances of the case are exceptional; and whereas it is expedient to grant the prayer of the said petition; 

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation. 1. Alfred Willson, William J. Rintoul, David Barr, Robert Jordan, James W. Wylie, Andrew Bell, John Stewart, Hugh F. McLachlin and James Bell, together with all such other persons and corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of "The North Lanark Railway Company," ~~and~~ hereinafter called "the company."

Location of line.

2. The company shall have full power and authority to survey, lay out, construct, complete, ~~and~~ and equip a railway to be operated by steam or electricity with single or double iron or steel tracks ~~to~~ from a point at or near Mile Lake in the Township of Blythfield in the County of Renfrew, thence passing through the Townships of Dairling and Pakenham in the County of Lanark or through part of the Township of McNab in the County of Renfrew and the Township of Fitzroy in the County of Carleton to some point on the Canadian Pacific Railway or the Ottawa Arnprior and Parry Sound Railway at or near the Town of Arnprior in the County of Renfrew, ~~and~~ and the said railway or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act.*

Gauge.

3. The gauge of the said railway shall be four feet eight and one-half inches.

Provisional directors.

4. The said Alfred Willson, William J. Rintoul, David Barr, Robert Jordan, James W. Wylie, Andrew Bell, John Stewart, Hugh F. McLachlin and James Bell ~~and~~ with power to add to their number ~~shall~~ shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum and shall hold office as such until the first election of directors under this Act.

Powers of provisional directors.

5. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock and to receive payments on account of stock subscribed, and to make calls on subscribers in respect of their stock and to sue for

and recover the same and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors. The said directors, or a majority of them, or the board of directors, to be elected as hereinafter mentioned, may in their discretion exclude anyone from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may in their discretion exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway, and all meetings of the provisional board of directors shall be held at the Town of Arnprior in the County of Renfrew or at such other place as may best suit the interest of the company.

Rev. Stat. 207

6. Conveyances of land to the company for the purpose of this Act made in the form set forth in the Schedule A to this Act, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed upon the duplicates thereof.

Form of conveyance of land.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Subscriptions not binding until approved.

8. The company may receive from any government or from any persons or bodies corporate, municipal or politic who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of gift, bonus or loan of money or debentures, or other securities for money or by way of guarantee upon such terms and conditions as may be agreed upon.

Aid to company.

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the man-

Capital stock.

Rev. Stat. 207. ner provided by *The Railway Act of Ontario*) to be divided into two thousand five hundred shares of \$100 each and shall be raised by the persons and corporations who may become shareholders in such company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

First election
of directors.

10. When and as soon as shares to the amount of \$25,000 of capital stock in company shall have been subscribed and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the said provisional directors or a majority of them shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four week's notice by advertisement in *The Ontario Gazette* and in one or more newspapers published in the County of Lanark of the time, place and purpose of said meeting.

Number of
directors and
quorum.

11. At such general meeting the shareholders present, either in person or by proxy, who shall, at the opening of such meeting, have so paid up ten per centum on the stock subscribed by them, shall elect five persons to be directors of the company, ~~in~~ in manner and qualified as hereinafter mentioned who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least *ten* shares of stock in the company, and unless he has paid up all calls thereon.

13. The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call, as provided by section 10 of this Act. Calls.

14. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for purchasing the right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company. Certain payments may be made in stocks or bonds.

15. ~~§~~ The head office of the company shall be at the Town of Arnprior and ~~at~~ the general annual meeting of the shareholders of the company shall be held in such place in the said town of Arnprior, or in such other place and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given, at least four weeks previously, in the *Ontario Gazette*, and once a week in one newspaper published in the county of Lanark, during the four weeks immediately preceding the week in which such meeting is to be held. Annual meetings.

16. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by laws of said company, upon such notice as is provided in the last preceding section. Special meeting.

17. Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained, provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities
Proviso.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely: Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters.

Rev. Stat.
c. 223.

2. In the case of a county municipality, the petition shall be that of a majority of the *members of the* county council or of *fifty* resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto.

Rev. Stat.
c. 223.

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof or of *fifty* resident freeholders, being duly qualified voters under *The Municipal Act* and the amendments thereto, as aforesaid.

4. In the case of a section of a township municipality, the petition is to be presented to the council defining the section by metes and bounds or by lots and concessions, and shall be that of a majority of the council of such township municipality or of *fifty* resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide:

By-law what
it contain.

1. For raising the amount petitioned for in the municipality or portion of the township municipality, as the case may be, mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law.

2. For assessing and levying on all rateable property lying within the municipality or portion of the township municipality defined in said by-law, as the case may be, an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, reeves, mayors, and other officers thereof are hereby authorized to execute and issue in such cases respectively.

Provision for
referring to
arbitration
disputes as
to by-laws.

20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain *minor* municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground, ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference, the said

council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or riding in which the county town is situate, and one being an engineer appointed by the commissioner of public works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom; and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company or the county, as the arbitrators may order.

21. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village, situate in the county municipality. Minor municipality meaning of

22. Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit of expenses.

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. If by-law approved council to submit the same.

24. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed or to be appointed under this Act. And issue debentures

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for the payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on a portion of a municipality

26. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of Municipal Act as to by-laws

27. The councils for all corporations that may grant aid by way of bonus to the company may by resolution or by-law extend the time for the commencement of the work beyond Extension of time for commencement.

that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of
time for com-
pletion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the company by resolution or by-law to extend the time for the completion of the works, on the completion of which the company would be entitled to such bonus from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not ex-
ceeding three
cents in the
dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents on the dollar upon the value of the rateable property therein.

Exemption
from taxation.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes or in which it is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross by way of commutation or composition, for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of land

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company any lands belonging to such municipality or over which it may have control which may be required for right of way, station grounds or other purposes connected with the running or traffic of said railway, and the said railway company shall have power to accept gifts of land from any government or any person or body corporate or politic and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to pur-
chase.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over

which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway and may sell and convey the same or any part thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an *Ontario* land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc. for constructing and maintaining railway.

Rev. Stat. 207.

34.—(1) When said gravel, earth, stone or sand shall be taken under the preceding section of this Act, at a distance from the line of railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice shall apply and may be used and exercised to obtain the right of way from the railway to the lands on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining said railway.

Sidings to gravel pits.

Rev. Stat. c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, subsection 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat. c. 207.

Snow fences.

35. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway, to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Proviso.

Trusts of debentures.

36. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario, provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of proceeds of debentures.

37. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The North Lanark Railway Municipal Trust Account," and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully

grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

38. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to trustees.

39. The directors of the said company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$10,000 for each mile of the said railway and the provisions of subsections 19, 20, 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to and in conformity with the provisions of said sub-sections. Issue of bonds.
Rev. Stat. c. 207.

40. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100 and any such promissory note or bill of exchange made, accepted or endorsed by the president, vice-president of the company and countersigned by the secretary of the company and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. Negotiable instruments.
Proviso.

41. The company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled under the powers of this Act to issue for the construction of the said railway. Pledging bonds.

42. It shall be lawful for the directors of the company to enter into an agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock, and other moveable property from such companies or persons for such time or times, and on Agreements with other railway companies.

such terms as may be agreed on, and also to enter into any agreement with any railway company or companies if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other moveable property of the one or others of them on such terms as to compensation and otherwise as may be agreed upon.

Agreements
for amalgama-
tion with other
companies.

43. The said company is authorized and empowered to make necessary arrangements to contract and agree with the Kingston and Pembroke Railway Company, the Canadian Pacific Railway Company or the Ottawa, Arnprior and Parry Sound Railway Company, or any of them, if lawfully authorized to enter into such arrangements for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act.

Running ar-
rangements
with other
railways.

44. The company shall have power to agree for connections and making running arrangements with the Kingston and Pembroke Railway Company, The Canadian Pacific Railway Company, and the Ottawa, Arnprior and Parry Sound Railway Company or any of them if lawfully empowered to enter into such agreement upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the said company to enter into an agreement with the said railway companies or any of them, if lawfully authorized to enter into such an agreement for the sale or leasing or hiring of any portion of the railway herein authorized or the use thereof, or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property of any or of all or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway may and are hereby authorized to work the said railway and in the same manner as if incorporated with their own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Telegraph and
telephone
lines.

45. The company may also construct an electric telegraph line and a telephone line in connection with their rail-

way, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; provided also, that such telegraph and telephone lines shall be used exclusively for the purposes of the business of the company.

46. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office in the said company. Rights of
aliens.

47. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of
shares.

48. The said company shall have full power and authority Powers.

(1) To purchase land for and erect power houses, warehouses, elevators, docks, stations, workshop, machine shops, foundries and offices, and to sell and convey such land as may be found superfluous for any such purpose. and the company shall have power to build, own, operate and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway. Power houses,
warehouses,
etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures and from time to time to alter, repair or enlarge the same and to build purchase and acquire motors, engines, carriages, wagons and other machinery and contrivances necessary or convenient for the working of the railway and the accommodation and use of the passengers, freight and business of the railway. Erect neces-
sary buildings,
wharves, etc.

(3) To construct, maintain and operate works for the production of electricity for the motive power of the said railway and for the lighting and heating the rolling stock and other property of the company. Powers as to
production
and use of
electricity.

Lease or sell
electricity not
required.

Rev. Stat. c.
200.

Acquiring
rights for
conveying
electricity.

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall, subject to the provisions and restrictions of this Act, possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light, or Power* and to acquire and hold any property necessary for the purposes mentioned in this subsection.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the railway by this Act authorized to be built, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under or erect poles *and* wires on or over such lands as may be determined by the company and along and upon any of the public highways or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines or the conduits for such electricity, upon and subject to such agreements in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

49.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible; and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid so far as possible any danger to buildings or other property, and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable waters. ~~1~~

~~42~~(2) The by-laws mentioned in section 2, sub-section 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*.~~42~~

50. *The* company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

51. The said railway shall be commenced within three years and completed within six years from the passing of this Act.

Commencement and completion of work.

52. ~~42~~The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated, but the~~42~~ several clauses of *The Railway Act of Ontario* and of every Act in amendment thereof shall be incorporated with and shall be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said *Railway Act* and of every Act in amendment thereof, so incorporated with this Act.

Incorporation of certain provisions of Rev. Stat. c. 207.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of dollars paid to me (or us) by the North Lanark Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (insert the name or names of any other party or parties) in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be) of land, (describe the land) the same having been selected and laid out by the said company for the purposes of their railway to hold with the appurtenances unto the said The North Lanark Railway Company, their successors and assigns forever (here insert any other clauses, covenants and conditions required) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of A.D. 18 .

Signed, Sealed and Delivered, }

In presence of }

[L.S.]

SCHEDULE B.

(Section 37.)

THE NORTH LANARK RAILWAY COMPANY'S OFFICE, CHIEF ENGINEER'S
CERTIFICATE, ENGINEER'S DEPARTMENT.

No.

A.D. 18

Certificate to be attached to cheques drawn on the North Lanark Railway Municipal Trust Account given under section , chapter of the Act of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of the North Lanark Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the By-law No. of the township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of \$, (here set out the terms and conditions, if any, which have been fulfilled.)

NO. 84.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to incorporate the North Lanark
Railway Company.

First Reading, 28th February, 1899.

*(Reprinted as amended by Railway
Committee..)*

MR. CALDWELL.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to enable the corporation of the Town of Cobourg to encourage the building of summer hotels and to grant a bonus to the proprietors of the Cobourg Woollen Mills, and to confirm a certain agreement relating thereto.

WHEREAS the corporation of the Town of Cobourg has petitioned for an Act to enable them to encourage the building of summer hotels, by exemptions of taxes and issue of liquor licenses, and to confirm a certain agreement with George M. Clark, and have further prayed that they may grant a bonus to Dick, Ridout & Co., and to legalize a gift to William Rosamond and to relieve the signers of a certain bond from liability thereunder ; and whereas it is expedient to grant the prayer of said petition ;

Preamble.

10 Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said corporation may exempt from taxes, other than school taxes, for periods not exceeding ten years, all improvements to summer hotels hereinafter made or partial exemption to any summer hotel hereinafter erected.

Exemption from taxation.

2. A certain agreement between George M. Clark and the corporation and bearing date 30th December, 1898, whereby the improvements on a certain summer hotel have been exempted, is hereby confirmed.

Agreement confirmed.

Licenses.

3. It shall be lawful for the liquor license commissioners for the west riding of the County of Northumberland to grant licenses to all summer hotels in Cobourg for the summer season, not exceeding a period of six months, although the number may exceed the limit at present fixed by law. 5

Agreement confirmed.

4. A certain agreement made with Messrs. Dick, Ridout & Co., bearing date 8th day of June, 1898, whereby a certain bonus is to be given on the conditions therein stated, is hereby confirmed.

Gift.

5. The gift of \$5,500, made to William Rosamond as an inducement for him to sell the said woollen mills is hereby legalized. 10

Bond cancelled.

6. That the signers of a certain bond bearing date on or about June 8th, 1898, holding the members of the said corporation harmless, are hereby released from all liability. 15

BILL

An Act to enable the corporation of the Town of Cobourg to encourage the building of summer hotels and to grant a bonus to the proprietors of the Cobourg Woollen Mills and to confirm a certain agreement relating thereto.

First Reading, 14 February, 1899.

(Private Bill).

MR. CLARKE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 85.]

BILL.

[1899.

An Act respecting the town of Cobourg.

WHEREAS the corporation of the town of Cobourg has petitioned for an Act to confirm a certain agreement set forth in Schedule A. hereto, with George M. Clark, of the said town of Cobourg, and has further prayed that the said corporation may be given authority to grant a bonus to Dick, Ridout & Company, who are carrying on a business as woollen manufacturers in the said town of Cobourg, as an inducement to the said Dick, Ridout & Company to extend their business; and whereas it has been made to appear that the granting of the said bonus will not interfere with any industry of a similar nature already established in the said town without any such bonus, and that in other respects the case would come within the terms of the repealed provisions of *The Municipal Amendment Act, 1888*, respecting aid to industrial enterprises; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A certain agreement set forth in Schedule A. hereto, between George M. Clark and the corporation of the town of Cobourg and bearing date the 30th day of December, 1898, is hereby confirmed.

2. Subject as hereinafter provided it shall be lawful for the municipal council of the town of Cobourg to pass a by-law for granting aid by way of bonus to the said firm of Dick, Ridout & Company to an amount not exceeding \$10,500, for the purpose of inducing the said firm to extend their said business and to issue debentures and do all other acts in connection therewith as if the power to grant bonuses was still vested in the municipality.

3. No such aid by way of bonus shall be given until after the passing of a by-law for the purpose by the Municipal Council of the town of Cobourg and the approval of the said by-law by the vote of at least two-thirds in the affirmative of the rate-payers of the said town of Cobourg who are entitled to vote in the case of by-laws for the creation of debts, and except as herein otherwise provided all the terms of the repealed provisions of *The Municipal Amendment Act, 1888*, relating to the creation of debts and the assent of the qualified ratepayers shall apply.

4. In addition to the certificate required by section 364 of *The Municipal Act* the clerk in case of a majority of votes in favour of the by-law shall further certify whether or not as shown by the voters' lists such majority appears to be two-thirds of all the qualified ratepayers of the said town of Cobourg entitled to vote on the by-law.

5. In case of a dispute as to the result of the vote on any by-law submitted under this Act, the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

6. The petition to the judge may be by an elector or by the council and the proceedings for obtaining a judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny.

7. Sections 245 to 258 inclusive, 338 to 365 inclusive, and 367 to 374 of *The Municipal Act* shall be taken and considered as part of this Act.

8. Except as otherwise provided in this Act all the clauses of *The Municipal Act* relating to the creation of debt, the issue of debentures and the time and manner of re-payment of the same shall apply and be read as part of this Act.

9. No irregularity in the form of debentures to be issued under the said by-law shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or of any part thereof.

SCHEDULE A.

THIS INDENTURE, made the 30th day of December, in the year one thousand and eight hundred and ninety-eight, between, the Corporation of the Town of Cobourg hereinafter called "the Corporation," of the first part, and George M. Clark, of the said Town of Cobourg, barrister-at-law, of the second part.

Whereas it is necessary and expedient that the summer hotel accommodation in the said town should be greater than at present in order to supply the increased demand therefor by travellers desiring to visit Cobourg ;

And whereas such increase of accommodation may be used, not for the whole of the year, but for the summer season only, and this fact renders the return for the outlay in making such improvements less certain than it would otherwise be ;

And whereas it was arranged between the parties to these presents that the hotel known as the "North American Hotel," which has been in disrepair and out of use for several years should be put in repair and improved by an outlay by the said Clark so as partly to meet the said growing demand for hotel accommodation in the said town on the condition that the increased value of the said hotel property caused by such outlay should not be taxed except for school purposes for the period of ten years ;

Now the parties to these presents have mutually agreed as follows : that is to say,

The said Clark covenants that he will, without any delay after the date of these presents that can be reasonably avoided, incur an expenditure of at least three thousand five hundred dollars in putting the "North American Hotel" property into good repair and in making improvements thereto so as to have the same ready and in good condition for the use of the travelling public on or before the first day of July, one thousand eight hundred and ninety-nine, such expenditure to include any after the first day of March, 1898, the said property being lots one, two, three and four in Block B, on the east side of Division street ;

The corporation covenants that it will exempt for ten calendar years next after the present year the increased value of the said property caused by the said expenditure, that is to say, it shall not, during the said period, be assessed for tax purposes at a higher sum than it is for this year, namely, two thousand four hundred dollars.

Provided that nothing herein shall be held to exempt the said increased value or the present value of the said property from taxation for school purposes ; and provided further that this indenture shall not go into force unless the Legislature of the Province of Ontario shall at its next Session after the first day of December, 1898, confirm and validate it and shall also give to the corporation authority to make agreements with other parties to exempt from taxation (except for school purposes) the increased value of other hotel properties caused by expenditure thereon, subsequent to the making of the agreement in order to give increased hotel accommodation to travellers desiring to visit Cobourg. And provided further that the said premises shall not be exempted as aforesaid for any calendar year during which they shall be kept open to the public as a hotel for a period longer than six months.

Witness the Corporate Seal of the corporation and signature of its officials below named and the hand and seal of the said Clark.

Signed, sealed and delivered in the
presence of
D. H. MINAKER,
Town Clerk. }

JOHN D. HAYDEN,
Mayor.

WITNESS
to execution by
GEO. M. CLARK,
SAM CLARK. }

EO. M. CLARK.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL,

An Act respecting the town of Cobourg.

First Reading, 23rd February, 1899.
Second Reading, 17th March, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

MR. CLARK.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting the Town of Whitby.

WHEREAS the corporation of the town of Whitby have Preamble.
by their petition represented that the said corporation
passed a by-law number 559, set forth in Schedule A to
this Act, wherein it was enacted that the corporation
5 of the town of Whitby might aid the "King Brothers
Company of Whitby, Limited," in carrying on the business
of tanning leather in the said town of Whitby, by a loan
of \$10,000 to be repaid in ten years, the said company
paying annually the interest on said loan and repay-
10 ing the said loan at the end of ten years, and one Charles King
giving security by way of mortgage before the payment of the
said loan to the said company on certain lands mentioned in
said by-law and assigning a certain policy of life insurance for
\$10,000 mentioned in said by-law; and whereas it was
15 represented that the said business had for over twenty-
five years been extensively carried on in the said town by the
said Charles King and that the said town had derived great
advantages from the employment of a large number of work-
men therein, and that the said Charles King had for some
20 months ceased to carry on said business and the said workmen
had been compelled to seek employment elsewhere or engage
in much less remunerative employment, and that divers houses
and lands formerly occupied by said workmen had become
vacant and that the said by-law had been submitted to the
25 vote of the electors entitled to vote thereon, except to certain
electors residing within the limits defined in schedule "B" to
by-law number 510 of the said corporation, such omission

arising from mistake and inadvertance, and that the said by-law was approved by a considerable majority of the voters voting thereon, and that a majority of the electors who had not an opportunity of voting on said by-law have petitioned for the legalizing of said by-law and the amending of the same as hereinafter mentioned; and that by a by-law number 510 of the said corporation it had been enacted that the public indebtedness over the ordinary annual expenditure of the town should not be increased without the consent of the owners of lands used for farming purposes comprised in schedule "B" to said by-law during the period of eight years, which by-law had been confirmed by an Act of this Province passed in the year 1895 and chaptered 92, and that certain of the owners of such farm lands had by their petition consented to the legalizing of the said by-law with certain amendments thereto, and the said corporation have represented that it is expedient and of advantage to the said municipality that the said by-law number 559 should be amended as hereinafter set forth and that the said by-law as so amended may be ratified and declared legal, valid and binding, and it appears that by reason of the matters set out in said petition and shown on the consideration thereof that the circumstances of the said Town of Whitby are exceptional and that delay in granting the prayer of the petition would be prejudicial to the said Town of Whitby, and that the said Charles King has since the passing of said by-law, in consideration of this application, agreed with the said Town of Whitby to furnish additional security to the said town for the repayment of the said loan, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of this Province, enacts as follows:

Authority to
amend by-law
No. 559.

1. It shall be lawful for the council of the corporation of the Town of Whitby to pass a by-law to amend said by-law number 559 of the said council by striking out the fourth paragraph of the enacting portion of the said by-law and substituting in lieu thereof the following paragraph:—

"That during ten years the currency of the said debenture or debentures to be issued under the authority of this by-law the sum of \$400 shall be raised annually for the payment of interest on said debentures, and also the sum of \$892.60 for the purpose of forming a sinking fund of $7\frac{292}{100}$ per centum per annum for the payment of the principal of the said loan of \$10,000 in ten years according to the provisions of the statute in that behalf, making in all the sum of \$1,292.60 to be raised annually as aforesaid, and that a special rate on the dollar upon the assessed value of all the rateable property in the Town of Whitby, saving and excepting land of twenty acres and upwards in one block used for farming purposes which were exempted or intended to be exempted under by-law

number 510 of said corporation from taxation for bonuses, which might after the fifteenth day of April, A.D. 1895, be granted by the Town of Whitby over and above all other rates and taxes and which special rate shall be sufficient
 5 to produce in each year the said sum of \$1,292.60 shall be annually levied and collected from the year one thousand eight hundred and ninety-nine to the year one thousand nine hundred and eight, both years inclusive, unless the said debentures shall be sooner paid, for the purpose of paying the
 10 said sum of \$10,000 with interest thereon aforesaid."

2. Notwithstanding any provision contained in *The Municipal or Assessment Acts*, the Act respecting the town of Whitby aforesaid or any other Act of this Province to the contrary, it shall be lawful for the said town of Whitby to issue
 15 said debentures and to make, sell and dispose of the same and pay over the proceeds thereof to the extent of \$10,000 for the purposes aforesaid to the said "The King Brothers Company of Whitby, Limited," upon the said Charles King and the said company complying with all the conditions precedent to the
 20 payment over of said money to the said company which are set out in said by-law number 559 so to be amended or under the agreement of said Charles King with the Town of Whitby, dated the 17th day of February, 1899, or under the by-law to be passed in lieu thereof and to do all other acts in connection
 25 therewith as if the power of granting bonuses was still vested in municipalities.

3. No irregularity in the form of debentures to be issued under the said by-law number 559 so to be amended or a by-law for similar purposes as mentioned in section 2 of this Act
 30 passed in lieu thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or of any part thereof.

4. It shall be lawful for the corporation of the Town of
 35 Whitby to take and receive from the said Charles King the mortgage upon the lands and premises mentioned and described in the said by-law and to hold the same and the other securities mentioned therein as security for the repayment of the said
 40 loan, and to take all necessary and proper proceedings and exercise all the remedies for the collection of the monies secured by said mortgage and other securities upon the default of the said company in carrying out the several agreements and covenants with the said Town of Whitby agreed to be
 45 given and mentioned in said by-law and in the said agreement of the 17th February, 1899.

5. The passing of this Act shall not in any wise lessen or
 impair the rights of owners of lands in blocks of twenty acres

Proceeds of sale of debentures to be paid to company on complying with certain conditions.

Irregularity not to invalidate.

Corporation may take mortgage.

Rights of certain owners protected.

and upwards used for farming purposes to the exemption from taxation for bonuses which may hereafter be given by the Town of Whitby, which was granted or intended to be granted by the said by-law number 510 of the said Town of Whitby and the Act confirming the same nor other rights granted to such owners of farm lands by said by-law and statute. 5

SCHEDULE A.

(Section 1.)

By-LAW No. 559.

By-law No. 559 of the council of the corporation of the town of Whitby, to authorize the raising of money by the issue of debentures for the purpose of granting aid by way of a loan and otherwise to the King Bros. Company of Whitby, Limited, for the purpose of aiding the manufacturing of leather within the limits of the town of Whitby.

Whereas Charles King, of the said town of Whitby, for many years was extensively engaged in the business of tanning leather, and employed many workmen, and the said town derived great advantage from the carrying on of such business.

And whereas the said Charles King has for some months ceased to carry on the said business, and the said workmen have been compelled to seek employment elsewhere or engage in less remunerative employment.

And whereas the said Charles King proposes to organize a joint stock company with a capital of not less than \$40,000, to be incorporated by letters patent of the Province of Ontario, under the name of The King Brothers Company of Whitby, Limited, for the purpose of carrying on the manufacture of leather in the premises in the town of Whitby, formerly used by him for such business, to the same or a greater extent than he formerly carried on the same, upon conditions that said corporation of the town of Whitby shall aid him or the said company so to be formed, by the loan of the sum of \$10,000, to be repaid at the expiration of ten years from the making of the same, and that in the meantime the said company shall annually pay to the corporation of the town of Whitby the amount of interest paid by the said town of Whitby upon its debentures, to be issued as hereinafter mentioned, in order to raise the said loan.

And whereas the said Charles King has agreed that the said town of Whitby shall be repaid by himself or the company so to be organized at the expiration of ten years from the granting thereof the said sum of \$10,000, and that a sum equal to the interest to be paid by the said town annually upon its debentures shall be paid in each year of the said ten years to the said town at the times when and as the interest upon the said debentures is payable, and has agreed that such repayment of the said loan and interest thereon shall be secured as hereinafter mentioned, and that the said loan shall only be made upon compliance by the said Charles King and the said Company with the conditions hereinafter set out.

And whereas under and by virtue of a certain by-law of the municipal corporation of the said town of Whitby numbered 510, it was amongst other things enacted that the assessment of lands containing twenty acres and upwards used for farming purposes in the town of Whitby as fixed by the last revised assessment roll of 1894, should not be raised or increased for a period of eight years, from the first day of January, 1895; and that the owners of such farm lands shall also be entitled to a rebate of two and one-half mills on the dollar of assessment in each year in respect of taxes

for general town purposes as then levied during the period aforesaid, and to the exemptions under the provisions of *The Consolidated Assessment Act*, 1892, section 7 (a), and of any amending Acts which may thereafter be passed : and that the public indebtedness over ordinary annual expenditure of the town shall not be increased without the consent of the owners of farm lands mentioned in schedule B to the said by-law for any purpose whatever during the period aforesaid except in case of extraordinary expenditure occasioned by fire or other causes not within the control of the council of the said corporation.

And whereas by an Act of the Legislature of the Province of Ontario, assented to on the 16th day of April, 1895, and chaptered 92 of the Statutes of the Province of Ontario, passed in 58th year of the reign of Her Majesty Queen Victoria, the said by-law set forth in full in schedule A. to the said Act, was confirmed and declared legal, valid and binding in the same manner and to the same extent as if set out at length and the provisions thereof enacted in the said Act, anything contained in *The Consolidated Assessment Act*, 1892, or any other Act to the contrary notwithstanding.

And where it is desirable to grant such loan to secure the carrying on of such business.

And whereas the amount of the whole rateable property of the said corporation, after deducting the value of the lands mentioned in schedule B. to said by-law No. 510 of the council of the said corporation, was, according to the last revised assessment roll thereof for the year 1897, \$720,171, irrespective of any future increase of the same and also irrespective of any income to be derived from the temporary investments of the sinking fund hereinafter mentioned ; and the amount of the whole rateable property of the said municipality according to the last revised assessment roll, is \$867,997.

And whereas the amount of the existing debenture debt of the said corporation of the town of Whitby is the sum of \$63,695.06, and of which debt no part of principal or interest is in arrears.

And whereas this by-law is intended to create a new debt amounting in all for principal and interest to the sum of \$14,000, and the object for which the said debt is to be created is to aid the said Charles King or the said The King Brothers Company of Whitby, Limited, by way of loan in carrying on the business of tanning leather and the manufacture of leather goods upon the conditions hereinbefore and hereafter mentioned.

And whereas it will require the sum of \$400 to be raised annually for the period of ten years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$892.60 to be raised annually during the same period for the forming of a sinking fund of 898.60/100 per centum per annum for the payment of the debt created by this by-law according to the provisions of the statutes in that behalf, making in all the sum of \$1,292.60 to be raised annually as aforesaid.

And whereas it is necessary that such annual sum of \$1,292.60 shall be raised and levied in each year during the said period of ten years by a special rate sufficient therefor on all the rateable property of the said municipality of the town of Whitby other than the lands exempted from such taxation under the provisions of by-law No. 510 of the said corporation of the town of Whitby (the owners of which lands not having consented to such increase of indebtedness), and the above in part recited Act of the Legislature of Ontario.

That the debt is created on the security of the special rate settled by the by-law and on that security only.

Therefore the council of the corporation of the town of Whitby enacts as follows :—

1. That it shall be lawful for the mayor of the said town of Whitby to raise forthwith after this by-law shall have been duly legalized and confirmed by the Legislature of the Province of Ontario by way of loan upon the

security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same upon the credit of such debentures, a sum of money not exceeding in the whole the sum of \$10,000, and any premium or excess of that sum which may be realized on the sale of the debentures hereinafter mentioned, and to cause the same to be paid into the hands of the treasurer of the said town of Whitby for the purpose of the said loan of \$10,000 to the said Charles King or to the said The King Brothers Company, of Whitby, Limited, so to be organized, and that the said loan shall and may be paid to the said Charles King or the said company or to whom he or they may appoint, upon his or the said company furnishing security to the said corporation as hereinafter set forth and complying with the conditions hereinafter mentioned.

2. That it shall be lawful for the said mayor to cause one or more debentures to be made and issued for an amount not exceeding in the whole the sum of \$10,000, and in sums of not less than \$100 for each debenture, and that the same shall be sealed with the seal of this corporation and shall be signed by the mayor and countersigned by the clerk thereof, and that the principal of such debentures shall be made payable in ten years from the date of the issue thereof, and shall have attached to them coupons for the payment of interest.

3 That the said debentures shall bear interest at the rate of 4 per cent. per annum from the date thereof, which interest shall be payable half-yearly on the first days of the months of November and May in each year succeeding the issue thereof, and with the said debentures, shall be payable at the office of the treasurer of the said town of Whitby.

4. That during ten years the currency of the said debenture or debentures to be issued under the authority of this by-law, the sum of \$400 shall be raised annually for the payment of interest on said debentures, and also the sum of \$892.60 for the purpose of forming a sinking fund of \$892.60 per centum per annum for the payment of the principal of the said loan for \$10,000 in ten years according to the provisions of the statutes in that behalf, making in all the sum of \$1,292.60 to be raised annually as aforesaid, and that a special rate on the dollar upon the assessed value of all the rateable property in the town of Whitby save and except the lands mentioned in schedule B. to said by-law No. 510 of the council of the corporation of the town of Whitby, over and above all other rates and taxes and which special rate shall be sufficient to produce in each year the said sum of \$1,292.60 shall be annually levied and collected from the year one thousand eight hundred and ninety-nine to the year one thousand nine hundred and eight, both years inclusive, unless the said debenture shall be sooner paid, for the purpose of paying the said sum of ten thousand dollars with interest thereon aforesaid.

5. That the sum of ten thousand dollars when obtained shall be applied and paid for the purpose above specified at the times and in the manner herein provided according to the true intent and meaning of this by law.

6. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

7. That none of the monies to be borrowed by this by-law shall be paid out by the town treasurer until the following conditions have been complied with, namely:—

(a) Until the said Charles King shall organize and have duly incorporated "The King Brothers Company of Whitby, Limited," under Letters Patent of the Province of Ontario, with a capital stock of at least forty thousand dollars and twenty-five thousand dollars thereof, bona fide subscribed and forty per cent. of such subscribed stock actually paid up by such stock holders in cash, and shall covenant with the said town that any subsequent payments of stock of the company shall be in cash.

(b) Not until the said Charles King shall have registered and delivered to the said Mayor, first a mortgage upon the lands in the third double

range of lots laid out on part of lot number twenty-six in the first concession of the Township of Whitby, now forming part of the Town of Whitby, and described as lots 1, 2, 3, 4, 17, 18, 19 and 20 in said double range, free from all encumbrances, the said mortgage to contain the bar of dower clause, the usual statutory provisions, conditions and covenants and a power of sale after three months default on three months' notice and an insurance clause on the buildings thereon for the benefit of the said Town of Whitby to the amount of seven thousand dollars or such less amount as is the insurable limit thereof; the said mortgage to provide that the engine, boiler, fixed and movable machinery and fixtures of said tannery shall be deemed and taken as part of the said freehold so mortgaged. The said mortgage to be void on payment of the said loan and the interest thereon.

(c) Nor until the said Charles King shall have procured to be assigned to the said Town of Whitby by the proper parties a certain policy of insurance in The Travellers' Insurance Company of Hartford, Connecticut, upon the life of the said Charles King for the sum of ten thousand dollars in twenty annual payments of five hundred dollars each, or the commuted value thereof according to the said company's tables of \$6,796.50 endorsed thereon, the premiums of said policy to be paid up in fourteen years from the year one thousand, eight hundred and ninety-three, the said company and the said Charles King to covenant with the said Town of Whitby for the payment of the annual premiums thereon, and to give satisfactory security to the council of the said Town of Whitby that the annual premiums upon the said policy of life insurance shall be paid in each and every year as and at the times when the same are payable.

(d) Nor until the said Charles King and the said company shall have covenanted with the Town of Whitby for the repayment of the said loan of ten thousand dollars at the expiration of ten years from the payment thereof and that the interest to be paid by the said town upon its said debentures shall be paid in each year of the said ten years to the said Town at the times when and as the interest upon the said debenture is payable.

(e) Nor until the said company shall have covenanted with the said town of Whitby that from the payment to the said company of the said loan until the repayment thereof the said company shall in each and every year employ and keep employed in the manufacture of leather upon the said premises an average of at least twenty-five men, and that an annual statement verified by statutory declaration be furnished to the said council. That the said mortgage shall also provide that in the event of the destruction of the said buildings, plant and machinery, in the whole or in part, by fire during the continuance of said loan, the money to be derived from the insurance thereon shall be expended in re-building the said buildings and re-placing the said plant and machinery as the case may be in the following manner, namely: When the said Charles King or the said company shall have expended in work and material a reasonable sum in and about such buildings or replacing as the case may be, the like amount shall be paid out of the insurance money from time to time as the work of building progresses, or as the machinery is replaced, and in case the said Charles King or the said company shall fail to build or repair the said buildings or replace the said machinery within a reasonable time, the said insurance money shall be retained for the use of the said Town of Whitby, and shall also contain a clause that any plant and machinery which may hereafter be added to or placed in the said premises in addition to or in substitution for the same, shall be pledged to the said Town of Whitby by proper assurances as security for the payment of the said loan, and that upon the re-building or repair of buildings so destroyed or damaged a new policy of insurance thereon shall be issued for the security of the Town of Whitby.

And it is further enacted by the municipal council of the Town of Whitby that the votes of the electors of the said Town of Whitby, duly entitled to vote thereon, will be taken on this by-law by the deputy returning officers hereinafter named on Thursday the 7th day of July A. D. 1898, commencing at nine o'clock in the morning and continuing until

five o'clock in the afternoon of the said day at the undermentioned places :
 In the North Ward, for all voters entitled to vote upon this by-law, at
 Newport's Carriage Shop, by George T. Hall, Deputy Returning Officer,
 In the Centre Ward, for all voters entitled to vote upon this by-law at the
 Council Chamber, by John C. Draper, Deputy Returning Officer. And
 in the South Ward, at Pierson's house, by Allan Cameron, Deputy Re-
 turning Officer.

That on the 5th day of July A. D. 1898 at the office of the Town Clerk,
 at the hour of eleven o'clock in the forenoon the Mayor shall appoint in
 writing, signed by him, two persons to attend at the final summing up of
 votes by the Clerk, and one person to attend at each polling place on be-
 half of the persons interested in and desirous of promoting the passing of
 the by-law, and a like number on behalf of the persons interested in and
 desirous of opposing the passing of the by-law. That the Clerk of this
 municipal corporation shall attend at the Council Chamber of the Town of
 Whitby, at the hour of 10 o'clock in the forenoon, on Saturday the 9th
 day of July A.D. 1898, to sum up the number of votes given for and
 against this by-law.

JOSEPH WHITE,
 Clerk of the Municipality of the Town of Whitby.

Town Clerk's Office, Whitby, 8th June, 1898.

Passed 18th July, 1898.

JOSEPH WHITE,
 Town Clerk.

[L.S.]

JAMES RUTLEDGE,
 Mayor.

No. 86.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting the Town of Whitby.

First Reading.

(Private Bill.)

Mr. DRYDEN.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 86]

BILL.

[1899.

An Act respecting the Town of Whitby.

WHEREAS the corporation of the town of Whitby have Preamble.
by their petition represented that the said corporation passed a by-law number 559 for granting aid by way of a loan of \$10,000. to the "King Brothers Company of Whitby, Limited" in carrying on the business of tanning leather in the said town, the said loan to be repaid in ten years and the said company paying annually the interest thereon, and one Charles King to give security by way of mortgage before the payment of the said loan to the said company on certain lands mentioned in the said by-law and assigning a certain policy of life insurance for \$10,000. mentioned in the said by-law; and whereas it has been represented that the said business had for over twenty-five years been extensively carried on in the said town of Whitby by the said Charles King and that the said town has derived great advantages from the employment of a large number of workmen therein, and that the said Charles King had for some months ceased to carry on said business and the said workmen had been compelled to seek employment elsewhere or engage in much less remunerative employment and that the said by-law had been submitted to the vote of the electors entitled to vote thereon, except to certain electors residing within the limits defined in Schedule "B" to by-law number 510 of the said corporation, such omission arising from mistake and inadvertence, and that the said by-law was approved by a considerable majority of the voters voting thereon, and a majority of the electors who had not an opportunity of voting on said by-law have petitioned for the

legalizing of said by-law with certain amendments; and whereas it appears that by reason of the matters set out in said petition and shown on the consideration thereof that the circumstances of the said town of Whitby are exceptional and that delay in making the said loan would be prejudicial to the said town of Whitby, and that the said Charles King has since the passing of the said by-law, in consideration of this application, agreed with the said town of Whitby to furnish additional security to the said town for the repayment of the said loan, (and whereas it is not considered expedient to grant the prayer of the said petition; and whereas it has been made to appear that 141 of the ratepayers entitled to vote on money by-laws do not reside in the said Town and that many of the said ratepayers have left the Province of Ontario and their present places of residence are unknown and whereas a number of them left the said town owing to the closing up of the business of the said Charles King and whereas the total number of ratepayers qualified to vote on money by-laws in the said town is 523 and for these reasons the case of the town of Whitby is entirely exceptional; and whereas in considering the said petition it has been made to appear that the repealed provisions of *The Municipal Act* as amended by *The Municipal Amendment Act of 1888* relating to the granting of bonuses to manufacturers have not in all respects been complied with and it is not considered expedient to grant the prayer of the said petition but it has been made to appear to be desirable and expedient that the said corporation shall be authorized and empowered to pass another by-law in similar terms to the said by-law number 559 authorizing the said corporation to borrow the sum of \$10,000. and to loan the same to the said "The King Brothers Company of Whitby, Limited" on the terms as nearly as may be set forth in said by-law with such additional amendments as to taking additional security for the repayment of said loan as may be agreed upon with the amendment and subject in all respects to the conditions hereafter set out;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to
issue debentures.

1. It shall be lawful for the corporation of the town of Whitby to raise by way of loan the sum of \$10,000 and to loan the same to the said King Brothers Company, Limited, and to issue debentures for the purposes aforesaid and do all other acts in connection therewith as if the power of granting bonuses were still vested in municipalities.

Authority to
pass by-law.

2. It shall be lawful for the council of the corporation of the town of Whitby to pass a by-law for the purpose aforesaid on the terms as nearly as may be as set forth in the said by-

law No. 559 with amendments providing for additional security for the repayment of the said loan but the fourth paragraph of the enacting part of said by-law shall be amended by substituting the provision following

"That during ten years the currency of the said debenture or debentures to be issued under the authority of the by-law the sum of \$400 shall be raised annually for the payment of interest on said debentures, and also the sum of \$892.60 for the purpose of forming a sinking fund for the payment of the principal of the said loan of \$10,000. in ten years according to the provisions of the statute in that behalf, making in all the sum of \$1,292.60 to be raised annually as aforesaid, and that a special rate on the dollar upon the assessed value of all the rateable property in the town of Whitby, saving and excepting lands of twenty acres and upwards in one block used for farming purposes which were exempted or intended to be exempted under by-law number 510 of said corporation from taxation for bonuses, which might after the fifteenth day of April A.D. 1895, be granted by the town of Whitby over and above all other rates and taxes and which special rate shall be sufficient to produce in each year the said sum of \$1,292.60 shall be annually levied and collected unless the said debentures shall be sooner paid, for the purpose of paying the said sum of \$10,000 with interest thereon aforesaid."

3. No by-law for granting any loan under or in pursuance of this Act shall be valid when the making of such loan would for its payment together with the payment of similar loans or bonuses (if any) already granted by the said corporation require an annual levy for principal and interest exceeding 10 per cent. of the total annual municipal taxation of the said town. Certain by-law not valid.

4. No such aid shall be given till after the passing of a by-law by the municipal council of the said Town for the purpose and the adoption of such by-law by the qualified electors as provided in *The Municipal Act* for the creation of debts and except as herein otherwise provided all the provisions of *The Municipal Act* relating to the creation of debts and the assent of the qualified ratepayers shall apply. Assent of electors necessary.

5. Notwithstanding anything contained in the preceding section of this Act the vote of two-thirds in the affirmative of the ratepayers qualified to vote on money by-laws of the said town of Whitby as well as a majority of the ratepayers voting on the said by-law shall be necessary in order to the carrying of the by-law; freeholders entitled to exemption under section 2 of this Act shall not be entitled to vote upon said by-law in respect of property so exempted. Two-thirds in affirmative as well as majority required.

6. In addition to the certificate required by section 364 of *The Municipal Act* the clerk in case of a majority of votes Certificate of clerk.

in favor of the by-law shall further certify whether or not as shown by the voter list such majority appears to be two-thirds of all the voters of the town of Whitby entitled to vote on the by-law other than freeholders entitled to exemption under section 2 of this Act.

Scrutiny of
votes.

7. In case of a dispute as to the result of the vote on any by-law submitted under this Act the County Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes.

Petition to
judge.

8. The petition to the Judge may be by an elector or by the Council, and the proceedings for obtaining the Judge's decision shall be the same as nearly as may be as in the case of a scrutiny.

Certain sec-
tions of Muni-
cipal Act
incorporated
herewith.

9. Sections 245 to 258, 338 to 365 and sections 367 to 374 of *The Municipal Act* shall be taken and considered as part of this Act.

Certain other
sections of
Municipal
Act incor-
porated herewith.

10. Except as otherwise provided in this Act all the clauses of *The Municipal Act* relating to the creation of debts, the issue of debentures and the time and manner of repayment of the same, shall apply and be read as part of this Act.

Irregularity
in form not to
invalidate.

11. No irregularity in the form of debentures to be issued under any by-law passed under this Act shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or of any part thereof.

Authority to
corporation
to take
mortgage.

12. It shall be lawful for the corporation of the town of Whitby to take and receive from the said Charles King the mortgage upon the lands and premises mentioned and described in the said by-law and to hold the same and the other securities mentioned therein and any other securities (if any) which may hereafter be given as security for the repayment of the said loan, and to take all necessary and proper proceedings and exercise all the remedies for the collection of the moneys secured by said mortgage and other securities upon the default of the said company in carrying out the several agreements and covenants with the said town of Whitby agreed to be given and mentioned in said by-law and in the said agreement of the 17th February, 1899.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Whitby.

First Reading, February 28th, 1899.
Second Reading, March 17th, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. DRYDEN.

TORONTO:
PRINTED BY J. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 87.]

BILL.

[1899.

An Act respecting the trusts under the marriage settlement of Mildred Raymond and John Raymond.

WHEREAS George Gooderham, trustee under the marriage settlement of Mildred Raymond and John Raymond has, by his petition, set forth that by a marriage settlement made on the 16th day of January, A.D. 1860, in contemplation of the marriage then intended to take place, and which subsequently did take place, between John Raymond and Mildred Crampton (afterwards Mildred Raymond) certain lands situate in the City of Toronto, namely town lots numbers nine and ten on the east side of Jarvis street in section "A," according to the survey of Deputy Provincial Surveyor John G. Howard, and being part of Park lot number six in the first concession of the township of York from the bay, were granted and conveyed to James Gooderham, George Gooderham and William Walker, as trustees, to the use of the said Mildred Crampton for her life and after her death to the use of such of the then present children of the said John Raymond and his future children by the said Mildred Crampton, as the said Mildred Crampton should leave her surviving in manner and subject to the several provisos and conditions in the said marriage settlement set forth; and whereas in and by the said marriage settlement certain lands in the township of Caradoc, in the county of Middlesex, namely, the north half of lot number twelve in the south concession of the said township of Caradoc, north of the Longwoods road, were granted and conveyed to the said James Gooderham, George Gooderham and William

Walker, as trustees, to the use of the said Mildred Crampton for her life and after her death to the use of such of her then present and future children as she should leave her surviving in manner and subject to the several provisoes and conditions in the said marriage settlement set forth; and whereas the said James Gooderham and William Walker have since deceased, and the said George Gooderham is the sole surviving trustee of the said marriage settlement; and whereas the said John Raymond died in or about the month of September, A.D. 1893; and whereas the said Mildred Crampton (afterwards Mildred Raymond) died in or about the month of May, 1898, leaving her surviving the following children, issue of the first marriage of the said the late John Raymond, deceased, namely:—William Joseph Raymond, Lucinda Ann McDougall (formerly Lucinda Ann Raymond), Margaret Jane Hill (formerly Margaret Jane Raymond), and the following children, issue of the marriage of the said Mildred Gooderham (afterwards Mildred Crampton) with the late Anthony Crampton, deceased, namely:—Harriett Geddes (formerly Harriett Crampton) and William James Crampton, and the following children, issue of the marriage of the said Mildred Crampton (formerly Mildred Raymond) with the said the late John Raymond, deceased, namely:—James Gooderham Raymond, Louisa Gooderham Nichols (formerly Louisa Gooderham Raymond), Albert Edward Raymond, and Victoria Raymond; and whereas it appears by the said petition that the said marriage settlement has been missing for over twenty years, and although exhaustive search and efforts, including advertisements in the newspapers, have been made to recover it it cannot be found; and whereas at the date of the execution of the said marriage settlement it was customary to register memorials of such documents and not the documents themselves, and whilst the memorials of the said marriage settlement set forth the class or classes of persons to whose use the said respective lands and premises were to be held after the death of the said the late Mildred Raymond, deceased, they do not set forth the manner in which the said respective lands and premises are to be held to the use of and disposed for the benefit of the respective beneficiaries; and whereas it appears by the said petition that so far as they can be ascertained the uses and trusts to and upon which the said respective lands in the City of Toronto and in the township of Caradoc respectively were to be held after the death of the said the late Mildred Raymond, deceased, were to the use and upon the trusts to pay the rents, issues and profits, or so much as the trustees should deem proper, for the maintenance and education of the respective *cestuis que trustent* until the youngest child should attain the full age of twenty-one years and then to sell and dispose of the said respective lands upon such particulars, conditions and terms as the trustees should see fit and to divide the proceeds equally among the respective *cestuis que trustent*, the issue of any who might be dead leaving issue to take in equal shares the share

of the deceased parent; and whereas all of the children of the said respective marriages, the objects of the trusts set forth in the said marriage settlement at the date of the then said intended marriage, are still living and are of full age; and
 5 whereas it is prayed by the said petition that the said George Gooderham be enabled to sell the said respective lands and to give a good title to the several purchasers thereof and to distribute the moneys, the proceeds of the said sale, and to be relieved from the trusts of the said marriage settlement; and
 10 whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said George Gooderham, trustee of the said marriage
 15 settlement, is hereby directed and empowered to sell the said
 respective lands, either by public auction or private contract, or partly in one mode and partly in the other, and generally in such a manner and subject to such terms and conditions as
 he the said George Gooderham shall think fit and convey the
 20 said respective lands to the several purchasers thereof, and his conveyance thereof, pursuant to the said powers hereby conferred, shall be deemed to be pursuant to and in performance of his said trusts, and shall give a valid title to the purchasers respectively.

Authority to
sell lands.

2. The said George Gooderham, trustee of the said marriage
 25 settlement, is hereby further directed and empowered to apply
 and distribute the moneys, the proceeds of the sale of the said lands in the manner following, namely:—In the first place to
 pay and reimburse himself any money or monies which he
 30 may have paid out in respect of the said marriage settlement (including the costs and expenses of and incidental to the passing of this Act and the costs of and incidental to the sale of the said lands) and any other moneys to which he may be entitled in respect of the said trusts, and in the next place to
 35 distribute the balance or remainder of the said moneys as follows, namely:—The moneys, the proceeds of the sale of the said lands situate in Jarvis street, in the City of Toronto, in equal parts or shares amongst the said William Joseph Raymond, Lucinda Ann McDougall, Margaret Jane Hill, James
 40 Gooderham Raymond, Louisa Gooderham Nichols, Albert Edward Raymond and Victoria Raymond, and the moneys, the proceeds of the sale of the said lands in the township of Caradoc, in equal parts or shares amongst the said Harriet Geddes, William James Crampton, James Gooderham Raymond,
 45 Louisa Gooderham Nichols, Albert Edward Raymond and Victoria Raymond.

Authority to
distribute pro-
ceeds.

3. Upon making the sales of the said lands as above
 empowered and distributing the proceeds thereof as aforesaid,
 the said George Gooderham, trustee of the said marriage settle-
 50 ment, shall stand discharged and relieved from the trust of the said marriage settlement.

When dis-
charged from
trusts.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the Trusts under the
Marriage Settlement of Mildred Raymond
and John Raymond.

First Reading, , 1899.

(Private Bill.)

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 87.]

BILL.

[1899.]

An Act respecting the trusts under the marriage settlement of Mildred Raymond and John Raymond.

WHEREAS George Gooderham, trustee under the marriage settlement of Mildred Raymond and John Raymond Preamble. has, by his petition, set forth that by a marriage settlement made on the 16th day of January, A.D. 1860, in contemplation of the marriage then intended to take place, and which subsequently did take place, between John Raymond and Mildred Crampton (afterwards Mildred Raymond) certain lands situate in the City of Toronto, namely town lots numbers nine and ten on the east side of Jarvis street in section "A," according to the survey of Deputy Provincial Surveyor John G. Howard, and being part of Park lot number six in the first concession of the township of York from the bay, were granted and conveyed to James Gooderham, George Gooderham and William Walker, as trustees, to the use of the said Mildred Crampton for her life and after her death to the use of such of the then present children of the said John Raymond and his future children by the said Mildred Crampton, as the said Mildred Crampton should leave her surviving in manner and subject to the several provisoes and conditions in the said marriage settlement set forth; and whereas in and by the said marriage settlement certain lands in the township of Caradoc, in the county of Middlesex, namely, the north half of lot number twelve in the south concession of the said township of Caradoc, north of the Longwoods road, were granted and conveyed to the said James Gooderham, George Gooderham and William

Walker, as trustees, to the use of the said Mildred Crampton for her life and after her death to the use of such of her then present and future children as she should leave her surviving in manner and subject to the several provisoes and conditions in the said marriage settlement set forth; and whereas the said James Gooderham and William Walker have since deceased, and the said George Gooderham is the sole surviving trustee of the said marriage settlement; and whereas the said John Raymond died in or about the month of September, A.D. 1893; and whereas the said Mildred Crampton (afterwards Mildred Raymond) died in or about the month of May, 1898, leaving her surviving the following children, issue of the first marriage of the said the late John Raymond, deceased, namely:—William Joseph Raymond, Lucinda Ann McDougall (formerly Lucinda Ann Raymond), Margaret Jane Hill (formerly Margaret Jane Raymond), and the following children, issue of the marriage of the said Mildred Gooderham (afterwards Mildred Crampton) with the late Anthony Crampton, deceased, namely:—Harriett Geddes (formerly Harriett Crampton) and William James Crampton, and the following children, issue of the marriage of the said Mildred Crampton (formerly Mildred Raymond) with the said the late John Raymond, deceased, namely:—James Gooderham Raymond, Louisa Gooderham Nichols (formerly Louisa Gooderham Raymond), Albert Edward Raymond, and Victoria Raymond; and whereas it appears by the said petition that the said marriage settlement has been missing for over twenty years, and although exhaustive search and efforts, including advertisements in the newspapers, have been made to recover it it cannot be found; and whereas at the date of the execution of the said marriage settlement it was customary to register memorials of such documents and not the documents themselves, and whilst the memorials of the said marriage settlement set forth the class or classes of persons to whose use the said respective lands and premises were to be held after the death of the said the late Mildred Raymond, deceased, they do not set forth the manner in which the said respective lands and premises are to be held to the use of and disposed for the benefit of the respective beneficiaries; and whereas it appears by the said petition that so far as they can be ascertained the uses and trusts to and upon which the said respective lands in the City of Toronto and in the township of Caradoc respectively were to be held after the death of the said the late Mildred Raymond, deceased, were to the use and upon the trusts to pay the rents, issues and profits, or so much as the trustees should deem proper, for the maintenance and education of the respective *cestuis que trustent* until the youngest child should attain the full age of twenty-one years and then to sell and dispose of the said respective lands upon such particulars, conditions and terms as the trustees should see fit and to divide the proceeds equally among the respective *cestuis que trustent*, the issue of any who might be dead leaving issue to take in equal shares the share

of the deceased parent; and whereas all of the children of the said respective marriages, the objects of the trusts set forth in the said marriage settlement at the date of the then said intended marriage, are still living and are of full age; and whereas it is prayed by the said petition that the said George Gooderham be enabled to sell the said respective lands and to give a good title to the several purchasers thereof and to distribute the moneys, the proceeds of the said sale, and to be relieved from the trusts of the said marriage settlement; ^{and} and whereas no opposition has been offered to the said petition, ^{and} and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said George Gooderham, trustee of the said marriage settlement, is hereby directed and empowered to sell the said respective lands, either by public auction or private contract, or partly in one mode and partly in the other, and generally in such a manner and subject to such terms and conditions as he the said George Gooderham shall think fit and convey the said respective lands to the several purchasers thereof, and his conveyance thereof, pursuant to the said powers hereby conferred, shall be deemed to be pursuant to and in performance of his said trusts, and shall give a valid title to the purchasers respectively.

Authority to
sell lands.

2. The said George Gooderham, trustee of the said marriage settlement, is hereby further directed and empowered to apply and distribute the moneys, the proceeds of the sale of the said lands in the manner following, namely:—In the first place to pay and reimburse himself any money or monies which he may have paid out in respect of the said marriage settlement (including the costs and expenses of and incidental to the passing of this Act and the costs of and incidental to the sale of the said lands) and any other moneys to which he may be entitled in respect of the said trusts, and in the next place to distribute the balance or remainder of the said moneys as follows, namely:—The moneys, the proceeds of the sale of the said lands situate in Jarvis street, in the City of Toronto, in equal parts or shares amongst the said William Joseph Raymond, Lucinda Ann McDougall, Margaret Jane Hill, James Gooderham Raymond, Louisa Gooderham Nichols, Albert Edward Raymond and Victoria Raymond, and the moneys, the proceeds of the sale of the said lands in the township of Caradoc, in equal parts or shares amongst the said Harriet Geddes, William James Crompton, James Gooderham Raymond, Louisa Gooderham Nichols, Albert Edward Raymond and Victoria Raymond.

Authority to
distribute pro-
ceeds.

3. Upon making the sales of the said lands as above empowered and distributing the proceeds thereof as aforesaid, the said George Gooderham, trustee of the said marriage settlement, shall stand discharged and relieved from the trust of the said marriage settlement.

When di-
charged from
trusts.

2nd Session, 9th Legislature, 62 Vic, 1899.

BILL.

An Act respecting the Trusts under the
Marriage Settlement of Mildred Raymond
and John Raymond.

First Reading, 28th February, 1899.

*(Reprinted as amended in Private Bills
Committee.)*

Mr. FOY.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 88]

BILL.

[1899.

An Act respecting the Queen's Wharf Ferry, in the
City of Toronto.

WHEREAS the corporation of the City of Toronto has by Preamble.
its petition prayed for special Legislation authorizing
it to establish and operate a Chain Ferry between the main
land and the Island in the City of Toronto; and whereas it is
expedient to grant the prayer of the said petition.

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows :—

The corporation of the City of Toronto is authorized to Authority to
operate a Ferry between the Queen's Wharf or some other operate a
point on the main land, and the Breakwater opposite the ferry.
Queen's Wharf, or some point thereon or therein, or some other
point in that portion of the city known as the Island, by
means of a chain attached to the said Ferry and operating
same, or by means of steam power or otherwise, and may
include in their estimates or raise by by-law or otherwise the
moneys necessary therefor.

No. 88.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Queen's Wharf in
the City of Toronto.

First Reading, , 1899.

(Private Bill.)

Mr. CRAWFORD.

TORONTO.

PRINTED BY I. K. CAMERON

Printer to the Queen's Most Excellent Majesty.

No. 88]

BILL.

[1899.



An Act respecting the Toronto Chain Ferry.

WHEREAS the Corporation of the City of Toronto has by Preamble.
its petition prayed for special Legislation authorizing
it to establish and operate a Chain Ferry between the main
land and the Island in the City of Toronto; and whereas it is
expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows :—

(1) The corporation of the City of Toronto is authorized to Authority to
operate a Ferry between some point on the main land at or operate a
west of Brock Street and the Breakwater opposite the Queen's ferry.
Wharf, by means of a chain attached to the said Ferry and
operating the same, and may include in their estimates or
raise by by-law or otherwise a sum not exceeding \$10,000 to
establish the same. 

BILL.

An Act respecting the Toronto Chain Ferry.

First Reading, 28th February, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

Mr. CRAWFORD.

TORONTO.

PRINTED BY I. K. CAMERON

Printer to the Queen's Most Excellent Majesty.

No. 89.]

BILL.

[1899

An Act to incorporate The Nepigon Railway Company.

WHEREAS Paul Weidner, of the city of Detroit in the State of Michigan, one of the United States of America; and A. M. Wiley, McComber, Thomas Massey, Thomas A. Gorham, all of the town of Port Arthur, in the District of Thunder Bay and Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The Nepigon Railway Company," for the purpose of constructing and operating a railway from some point at or near Nepigon Station, on the line of the Canadian Pacific Railway, thence in a northerly direction to the shore of Lake Nepigon, and branch lines not exceeding twelve miles in length; and whereas it is expedient to grant the prayer of the said petition. Preamble.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Paul Weidner, A. M. Wiley, Alexander McComber, Thomas Massey, Thomas A. Gorham, and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of The Nepigon Railway Company, hereinafter called "the company." Incorporation

Railway Act
incorporated.

2. The several clauses of *The Railway Act of Ontario*, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the company, and to the railway to be constructed, except only so far as they may be inconsistent with the express enactments hereof.

5

Head office.

3. The head office of the company shall be in the Town of Port Arthur, in the Province of Ontario.

Location of
line and power

4. The company shall have full power and authority :

(a) To construct and operate a railway of four feet eight and one half inches wide, from some point at or near Nepigon Station, on the line of the Canadian Pacific Railway, in the District of Thunder Bay, thence in a northerly direction to some point on the shores of Lake Nepigon ; 10

(b) To construct and operate one or more branch lines of railway, each branch not to exceed twelve miles in length ; 15

(c) To operate its railway and branches by steam or electricity, or partly by steam and partly by electricity ;

(d) To construct, operate and maintain works for the production of electricity for the motive power of the said railway, and for the lighting and heating the rolling stock and other property of the company ; 20

(e) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection. 25 30

(f) To build, charter, sell, navigate, operate and work in connection with its railway, steam and other vessels for the purpose of its traffic.

Provisional
directors.

5. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, and shall hold office as such until the first election of directors under this Act. 35

Powers of pro-
visional
Directors.

6. The said board of provisional directors shall have full power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover same ; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking, and to enter into any 40 45

agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors: the said directors or a majority of them, or the
 5 board of directors to be elected as hereinafter mentioned may, in their discretion exclude anyone from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing its undertaking under the provisions of this Act; and if, at any time a portion,
 10 or more than the whole stock shall have been subscribed, the said provisional directors, or elected directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and conducive to the furtherance of the undertaking; and in such allocation, the directors may, in
 15 their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the board of provisional directors shall be held at the said Town of Port Arthur or at such other place as may best suit the interests of
 20 the company.

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one
 25 month after subscription. When subscriptions for stock binding on company.

8. The company may receive, either from any government or from any persons or bodies corporate, municipal or politic,
 who may have power to make or grant the same, bonuses, loans or gifts of money, or securities for money, in aid of the
 30 construction, equipment or maintenance of the said railway, upon such terms and conditions as may be agreed upon. Aid to company.

9. The capital of the company shall be \$250,000 (with power to increase the same in the manner provided in *The Railway Act of Ontario*), and shall be divided into shares of
 35 \$100 each, and the money raised therefrom shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said
 40 money shall be applied to the making, equipment, completing and maintaining of the said railway, and to other purposes of this Act. Capital stock.

10. When and so soon as twenty-five per centum of the authorized capital stock of the company has been subscribed,
 45 and ten per centum paid thereon in cash into a chartered bank in Canada having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the purposes of the com- First election of directors.

pany, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice by advertisement in *The Ontario Gazette*, and in one or more 5 newspapers published in the said Town of Port Arthur, of the time, place and purpose of said meeting.

Number of directors.

11. At such general meeting the shareholders present who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect not less than five, and 10 not more than seven persons, as hereinafter mentioned, to be directors of the company, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

15

Qualification of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Annual meeting.

13. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Port Arthur, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week 25 in one newspaper published in the said Town of Port Arthur during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

14. Special general meetings of the shareholders of the company may be held at such place, and at such times, and in 30 such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section.

Calls.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at 35 any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days notice shall be given of each call as provided in section 10 of this Act.

Rights of aliens.

16. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the 40 company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, a majority thereof shall form a quorum for the transaction of business.

5 18. The company shall have power to enter into any agreement with any other company, lawfully authorized to enter into the same, or with any person, for leasing, hiring or using any locomotives, electric motors, carriages, cars, rolling stock, and any other movable property from such company or person for such time and on such terms as may be agreed upon; and also to enter into agreements with any railway company lawfully authorized, for the use by any contracting company, of the locomotives, electric motors, carriages, cars, rolling stock and other moveable property of the other, for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company on such terms as to compensation and otherwise as may be agreed on.

(2) The company shall have power to enter into any agreement with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway, or with any electric light or electric railway company, or any company organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the company to construct, carry on and operate the railway.

19. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the person signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

20. The provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the

Quorum of directors

Agreements with other companies for leasing or hiring rolling stock.

Agreement with electric companies.

Negotiable instruments.

Certain payments may be made in stock or bonds.

company, or in both, such sums as they may deem expedient, to engineers or contractors or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Bonds.

21. The company may issue bonds, debentures or other securities to the extent of \$20,000 per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Debenture stock.

(2) The company, on the construction of any branch line of railway, may issue debenture stock in lieu of bonds to the amount of \$20,000 per mile of such branch, and in that event such debenture stock shall be secured in the same manner as bonds; and the proceeds of such debenture stock shall be applied to the construction and equipment of such branch line of railway.

Preferential stock.

22. The company shall have power and authority to issue guaranteed or preferred stock to such an amount not exceeding \$10,000 per mile of its railway as shall be authorized by two-thirds in value of the shareholders voting in person or by proxy at any regular annual meeting or special general meeting called for that purpose; but such stock shall not interfere with the lien, mortgage or privilege attaching to bonds, debentures or other securities issued by the company, and the holders of such stock shall have all the rights and privileges of the holders of the ordinary stock of the company.

Preferred capital stock.

23. The directors of the company may make a by-law for creating and issuing one-half or less of the company's capital stock as preference stock, giving the same such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law.

Powers to preference shareholders.

(2) The by-law may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as may be considered expedient.

Sanction of shareholders required.

(3) No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by the vote of the shareholders present in person or by proxy at a general meeting of the company duly called for the considering of the same, or unanimously sanctioned in writing by the shareholders of the company.

(4) Holders of such preference stock shall be shareholders within the meaning of this Act and *The Railway Act of Ontario*, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Acts provided, however, that in respect of dividends and otherwise they shall as against the original or ordinary shareholders be entitled to the preference given by any by-law as aforesaid.

Rights and liabilities of holders of preference stock.

(5) Nothing in this section shall affect or impair the rights of creditors of the company.

Rights of creditors continued.

24. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, store-houses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, elevators, store-houses, warehouses, engine-houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

Power to purchase wharves, etc.

25. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon store-houses, warehouses, engine-houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway of any stream or water course, or water privilege, at or near which the railway passes.

Power to hold additional property at extremities of railway.

26. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges.

Telephone and
tele-graph
lines.

27. The company may also construct a telephone line, and an electric telegraph line in connection with its railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company. 5

Power to
erect snow
fences.

28. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect to such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following. 10 15

Time for
construction.

29. The railway shall be commenced within three years and completed within seven years after the passing of this Act.

Form of
conveyances.

30. Conveyances of land to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 20 25 30

SCHEDULE A.

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by the Nepigon Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Nepigon Railway Company, their successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18 .

Signed, sealed and delivered
in the presence of

[L.S.]

No. 89.

2nd Session, 9th Legislature, 62 Vic, 1899.

BILL.

An Act to incorporate The Nepigon Railway Company.

First Reading,	1899.
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(Private Bill.)

Mr. CONNIE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 89.]

BILL.

[1899

An Act to incorporate The Nepigon Railway Company.

WHEREAS Paul Weidner, of the city of Detroit in the State of Michigan, one of the United States of America; and A. M. Wiley, *Alexander* McComber, Thomas Massey, and Thomas A. Gorham, all of the town of Port Arthur, in the District of Thunder Bay and Province of Ontario, have by their petition prayed for an Act of incorporation under the name of "The Nepigon Railway Company," for the purpose of constructing and operating a railway from some point at or near Nepigon Station, on the line of the Canadian Pacific Railway, thence in a northerly direction to the shore of Lake Nepigon, and branch lines not exceeding twelve miles in length; ~~and~~ and it has been represented that the line of the railway of the company so to be incorporated will, for the most part, be constructed in the unorganized part of the Province; and it is proposed to operate the same by steam or electricity; and whereas, owing to the location of the line of the said railway, the provisions of *The Electric Railway Act* are not applicable to the company so to be incorporated, and the said petitioners have prayed that there may be conferred upon them the powers ordinarily given upon the incorporation of a railway to be operated by steam; and whereas for the reasons aforesaid the circumstances of the said proposed line of railway are exceptional; and whereas it is expedient to grant the prayer of the said petition. ~~and~~ Preamb'e.

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Incorporation **1.** Paul Weidner, A. M. Wiley, Alexander McComber, Thomas Massey, Thomas A. Gorham, and such other persons and corporations as shall hereafter become shareholders of the company *hereby incorporated* are hereby constituted a body corporate and politic under the name of "The Nepigon Railway Company," hereinafter called "the company."

Location of line. **2.** The company is hereby authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam or electricity with single or double iron or steel tracks from ~~the~~ some point at or near Nepigon Station, on the line of the Canadian Pacific Railway, in the District of Thunder Bay, thence in a northerly direction to some point on the shores of Lake Nepigon; and to construct and operate one or more branch lines of railway, each branch not to exceed twelve miles in length; ~~and~~ and the said railways or any part thereof, so far as the same may be operated by electricity, may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein and in this Act contained, and under and subject to any agreements between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in this Act and in *The Municipal Act*. ~~the~~

3. The gauge of the said railway shall be four feet eight and one half inches. ~~the~~

Provisional directors. **4.** The said Paul Weidner, A. M. Wiley, Alexander McComber, Thomas Massey and Thomas Gorham with power to add to their number, shall be and are hereby constituted a board of provisional directors of the company, of whom a majority shall be a quorum, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders. ~~the~~

Powers of provisional directors. **5.** The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or

gift made to it or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors. The said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude anyone from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the town of Port Arthur, in the district of Thunder Bay, or at such other place as may best suit the interests of the company. ^{Rev Stat. c. 207.}

6. Conveyances of lands to the company for the purposes of, and powers given by this Act, made in the form set forth in Schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. ^{Conveyance of land to company.}

7. No subscription for stock in the capital of the company shall be binding on the company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. ^{Subscriptions for stock when binding.}

8. The company may receive, from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures or other securities for money, or by way of guarantee upon such terms and conditions as may be agreed upon. ^{Aid to railway.}

9. The capital stock of the company hereby incorporated shall be \$250,000 (with power to increase the same in the ^{Capital stock.}

Rev. Stat.
c. 207.

manner provided by *The Railway Act of Ontario*, to be divided into 2,500 shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act. ¹⁰¹

First election
of directors,

¹⁰² **10.** When and as soon as shares to the amount of \$50,000 of capital stock in the said company shall have been subscribed, and ten per centum paid thereon into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the said provisional directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the company, giving at least four weeks' notice of such meeting by advertisement in *The Ontario Gazette*, and in at least one newspaper published in the said Town of Port Arthur, of the time, place and purpose of the said meeting. ¹⁰³

Number of
directors
and quorum.

¹⁰⁴ **11.** At such general meeting the shareholders present either in person or by proxy, who shall at the opening of such meeting have paid up ten per centum on the stock subscribed by them, shall elect not less than five, and not more than seven persons to be directors of the company in manner and qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next general annual meeting, and a majority of the directors shall form a quorum of the board, and may pass such rules, regulations and by-laws as may be deemed expedient and are not inconsistent with this Act and *The Railway Act of Ontario*; and the said board may employ and pay one of their number as managing director. ¹⁰⁵

Rev. Stat.
c. 207

Qualification
of directors.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon.

Power to c n-
struct line in
sections.

¹⁰⁶ **13.** The company is hereby authorized and empowered to take and make the surveys and levels of the lands through which the said railway is to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor so far as then ascertained, and also the book of reference for the railway, and to deposit the same, as required by the clauses of *The Railway*

Act of Ontario and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized, of such length as the company may from time to time see fit so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said *Railway Act* and the amendments thereof applied to, included in or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the book of reference of the whole of said railways had been taken, made examined, certified and deposited according to the said clauses of the said *Railway Act* and the amendments thereof with respect to "plans and surveys."

14. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

15. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 17 of this Act. Calls on stock.

16. The provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the company, such sums as they may deem expedient, to engineers or contractors or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company. Payments in stocks or bonds.

17. The head office of the company shall be at the said Town of Port Arthur, and the general annual meeting of the shareholders of the company shall be held in such place in the said Town of Port Arthur, on such days, and at such hours as may be directed by the by-laws of the company; and public notice Head office and general annual meeting.

thereof shall be given at least four weeks previously in *The Ontario Gazette*, and once a week in one newspaper published in the said Town of Port Arthur during the four weeks immediately preceding the week in which such meeting is to take place. ^{6A}

Special general meetings.

^{6A} 18. Special general meetings of the shareholders of the said company may be held at such places, and at such times, and in such manner and for such purposes as may be provided by the by-laws of the company, and upon such notice as is provided in the last preceding section. ^{6A}

Proxy.

^{6A} 19. At all meetings of the company the shareholders thereof may vote by proxy and the proxy may be appointed in such manner and by such means as the by-laws of the company may provide, but no person shall be qualified to be so appointed who is not himself a shareholder in the company. ^{6A}

Issue of bonds.

^{6A} 20. The directors of the company shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of \$20,000 for each mile of the said railway and branches, and the provisions of sub-sections 19, 20 21, 22 and 23 of section 9 of *The Railway Act of Ontario* shall apply to all such bonds and the issue thereof, and such bonds shall be issued subject and according to, and in conformity with the provisions of the said *sub-sections* ^{6A}

R.S O. c. 207.

Bonds, etc., how payable.

^{6A} 21. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name.

Transfer of bonds.

Negotiable instruments.

^{6A} 22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary or treasurer, as may be provided by the by-laws of the company, which by-laws shall be submitted for approval by the Lieutenant-Governor in Council, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; pro-

vided, however, that nothing in this section shall be construed to authorize the company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. ⁶¹

⁶² **23.** The company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway. ⁶³

Mortgaging
or pledging
bonds.

⁶⁴ **24.** It shall be lawful for the directors of the company to enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies, of the locomotives, carriages, rolling stock and other moveable property of the other or others of them on such terms as to compensation and otherwise as may be agreed on. ⁶⁵

Agreements
with other
companies for
leasing or hir-
ing rolling
stock.

⁶⁶ **25.** The company may also construct an electric telegraph line and a telephone line throughout and along the whole line of their railway and the branches thereof, or any part of the said railway or branches, and for the purpose of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies* being chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company; provided, that no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village without the consent of the council of such city, town or village being first obtained by the company; and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing. ⁶⁷

Telegraph
and telephone
lines.

⁶⁸ **26.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the company shall pass or be situate may aid the company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality (as the case

Aid from mun-
icipalities.

may be) in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. ¹⁸⁸¹

Submitting
bonus by-laws.

¹⁸⁸¹27. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

¹⁸⁸¹(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same to the approval of the qualified voters. ¹⁸⁸¹

¹⁸⁸¹(2) In the case of a county municipality, the petition shall be that of a majority of the members of the county council or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Municipal Act* and the amendments thereto. ¹⁸⁸¹

¹⁸⁸¹(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Municipal Act* and amendments thereto as aforesaid. ¹⁸⁸¹

¹⁸⁸¹(4) In the case of a section of a township municipality the petition is to be presented to the council defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid. ¹⁸⁸¹

By-law what
to contain.

¹⁸⁸¹28. Such by-law shall in each instance provide: ¹⁸⁸¹

¹⁸⁸¹(1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be), mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law. ¹⁸⁸¹

¹⁸⁸¹(2) For assessing and levying upon all rateable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate, sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. ¹⁸⁸¹

¹⁸⁸¹29. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law. ¹⁸⁸¹

§ 30. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time and pass the same. ^{Deposits to be made before by-law is submitted.} **61**

§ 31. Within one month after the passing of such by-law the said council and the mayor, warden, reeve or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same, duly executed, to the trustees appointed, or to be appointed, under this Act. ^{Council to pass by-law if assented to by rate-payers.} **62**

§ 32. In case any such loan, guarantee or bonus, be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. ^{Issue of debentures.} **63**

§ 33. The provisions of *The Municipal Act* and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. ^{Levying rates on portion of municipality.} **64**

§ 34. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid, from time to time; provided that no such extension shall be for a longer period than one year. ^{Application of provisions of 60 V. c. 223.} **65**

§ 35. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus, to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. ^{Councils may extend the time for completion.} **66**

§ 36. Any municipality, or portion of a township municipality, interested in the construction of the railway of the company, may grant aid by way of bonus to the company towards the construction of such railway, notwithstanding that such aid may increase the municipal taxation of such municipality, or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes exclusive of school rates, than three cents in the dollar upon the value of the rateable property therein. ^{Extent of aid from municipalities.} **67**

By-law granting exemption from taxation.

37. It shall be lawful for the corporation of any municipality through any part of which the railway of the company passes, or in which it is situate, by by-law especially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Gift of lands.

38. Any municipality through which the said railway may pass or is situate is empowered to grant, by way of gift to the company, any lands belonging to such municipality, or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body, corporate or politic, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Issue of debentures.

39. Whenever any municipality or portion of a township shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario or otherwise becomes incapable of acting, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of proceeds of debentures.

40. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-laws in relation there-

to as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "The Nipigon Railway," Municipal Trust Account, and to pay the same out to the company from time to time as the company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B. hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500, recoverable in any court of competent jurisdiction by any person who may sue therefor.

41. The trustees shall be entitled to their reasonable fees and charges from the said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Fees to trustees.

42. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Rev. Stat. c. 207.

43. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause an Ontario Land Surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom land may be taken, or who may sell, shall apply to the subject matter of

Acquiring material for construction.

this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits

44—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Rev. Stat.
c. 207.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 9 of section 20 of *The Railway Act of Ontario* shall not apply.

Rev. Stat.
c. 207.

Power to
erect snow
fences.

45. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or persons whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered, provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

Warehouses,
docks, etc.

46. The company shall have power and authority—

(1) To purchase land for and erect power-houses, warehouses, elevators, docks, stations, workshops, machine shops, foundries and offices and to sell and convey such land as may be found superfluous for any such purpose, and the company shall have power to build, own, operate and hold as part of the property of the company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway;

Erect
necessary
buildings,
wharves, etc.

(2) To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from

time to time to alter, repair or enlarge the same and to build, purchase and acquire motors, engines, carriages, wag-gons and other machinery and contrivances necessary or convenient for the working of the railway and the accom-modation and use of the passengers, freight and business of the railway;

(3) To construct, maintain and operate works for the pro-duction of electricity for the motive power of the said railways, and for the lighting and heating the rolling stock and other property of the company;

Powers as to
production
and use of
electricity

(4) To sell or lease any such electricity not required for the purposes aforesaid to any person or corporation, and the company in that behalf shall possess the powers, rights and privileges, and be subject to all the obligations and restrictions of joint-stock companies incorporated under *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, and to acquire and hold any property necessary for the purposes mentioned in this subsection;

Lease or sell
electricity not
required for
railway.

(5) To purchase the right to convey electricity required for the working of the railway and lighting or heating the same over, through or under lands other than the lands of the said railway, and with the consent of the councils of the municipalities affected, to purchase the right to lay conduits under, or erect poles and wires on or over such lands as may be determined by the company, and along and upon any of the public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the company and any private owners of the land affected, and between the company and any municipality in which such works or any part thereof or of the railway may be situate, and under and subject to any by-law or by-laws of the council of such municipality passed in pursuance thereof.

Acquiring
rights for
conveying
electricity.

47.—(1) The railway of the company shall not be constructed or operated on, upon or along any street, highway or public place of any municipality until first authorized by an agreement in respect thereto made between the company and such municipality, and under and subject to the terms of such agreement and of this Act and of any by-law or by-laws of the council of said municipality to be passed in pursuance thereof; and in all such cases any and every work, matter or thing in connection with electricity or other motor power, and the application and using thereof in so constructing, operating and working such railway, or

the cars, carriages, engines, motors or machines aforesaid shall be so constructed, erected, laid down and arranged as to impede or incommode the public use of such street, highway or public place as little as possible, and so as not to be a nuisance thereto, nor to interfere with the free access to any house or other building erected in the vicinity of the same, and the electric and other appliances shall be of such an improved manufacture and so placed as to avoid as far as possible any danger to buildings or other property, ^{and} and provided that none of the works or property of the company shall be so constructed or placed as to injuriously interrupt navigation in any navigable water. ^{and}

^{and}(2) The by-laws mentioned in section 2, subsection 5 of the preceding section and in this section shall be subject to the conditions and provisions of section 632 of *The Municipal Act*. ^{and}

Power to purchase wharves, etc.

48. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, store-houses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections, for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works; and the said wharves, piers, docks, water lots, water frontages, lands, elevators, store-houses, warehouses, engine-houses, sheds and other erections or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

Power to hold additional property at extremities of railway.

49. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon store-houses, warehouses, engine-houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell and convey, and also to make use for the purposes of the said railway of any stream or water course, at or near which the railway passes, ^{and} doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or water course. ^{and}

50. The company is authorized and empowered to make necessary arrangements to contract and agree with the Canadian Pacific Railway Company, if lawfully authorized to enter into such arrangements for amalgamation, provided that the terms of such amalgamation are approved of by two-thirds in value of the shareholders, voting either in person or represented by proxy at a special general meeting to be called for that purpose in accordance with this Act. ^{Agreements for amalgamation.}

51. The company shall have power to agree for connections and making running arrangements with the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreements, upon terms to be approved by two-thirds in value of the shareholders at a special general meeting to be held for that purpose, and it shall also be lawful for the company hereby incorporated to enter into an agreement with the said company, if lawfully authorized to enter into such an agreement, for the sale or leasing or hiring of the whole or any portion of the railway herein authorized or the use thereof or for the sale or leasing or hiring any locomotives, tenders, plant or rolling stock or other property or of any part thereof or touching any service to be rendered by the one company to the other and the compensation therefor, if the arrangements and agreements shall be approved of by two-thirds in value of the shareholders voting in person or by proxy at a special general meeting to be called for that purpose, and every such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such an agreement for using the said railway, may and is hereby authorized to work the said railway and in the same manner as if incorporated with its own line; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario. ^{Arrangements with other companies.}

52. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. ^{Transfer of shares.}

53. The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. ^{Payment of back charges on goods.}

Incorporation
of provisions
of Rev. Stat.
c. 207.

54. ~~ART~~ The provisions of *The Electric Railway Act* shall not apply to the company hereby incorporated but the several clauses of *The Railway Act of Ontario*, and of every Act in amendment thereof shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act and of every Act in amendment thereof so incorporated with this Act.

Commence-
ment and com-
pletion of line.

55. The railway shall be commenced within three years and *finally* completed within seven years after the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by The Nepigon Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said The Nepigon Railway Company, their successors and assigns forever, (*here insert any other clauses, conditions and covenants required*) and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this
day of 18 .

Signed, sealed and delivered
in the presence of

[L.S.]

SCHEDULE B.

(Section 40.)

CHIEF ENGINEER'S CERTIFICATE.

The Nepigon Railway Company's Office,
No.

A.D. 18

ENGINEER'S DEPARTMENT.

 Certificates to be attached to cheques drawn on The Nepigon Railway Company Municipal Trust Account given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

1. I, chief engineer of
The Nepigon Railway Company, do hereby certify that the said company
has fulfilled the terms and conditions necessary to be fulfilled under the
by-law No. of the township of (or under
the agreement dated the day of
1 , between the corporation of and the said
company) to entitle the said company to receive from the said trust the
sum of
(here set out the terms and conditions, if any, which have been fulfilled).

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to incorporate The Nepigon Railway Company.

First Reading, 8th March, 1899.

*(Reprinted as amended by the Railway
Committee.)*

Mr. CONMEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 90.]

BILL.

[1899.

An Act respecting the village of Winchester.

WHEREAS the corporation of the village of Winchester Preamble.
has by its petition prayed for leave to aid in the establishment of a pork-packing industry in the said village by way bonus or loan to any persons, firm, corporation or joint stock company to be organized and incorporated for such purpose, and also by way of exemption from taxation upon the lands, buildings, plant and machinery to be used in connection with said industry, upon such terms and conditions as to the municipal council of said corporation may seem advisable; and
10 whereas a majority of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, have requested the municipal council of said corporation to apply for the passing of this Act; and whereas it is expedient to grant the prayer of the said petition;

15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the village of Winchester to pass a by-law or by-laws for the purpose of
20 raising by way of loan on the credit of the debentures of the said corporation, a sum not exceeding in the whole \$10,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same, for the purpose of aiding
Power to borrow \$10,000 to aid pork-packing establishment.

in the construction of a pork-packing business and the purchase of the necessary lands, plant and machinery to equip the same, the said industry to be established within the limits of said village or within one-half mile therefrom, which said aid may be granted and applied by way of loan or bonus to any persons firms or joint stock company now or hereafter to be organized for the purpose of running said pork-packing industry, and upon such terms and conditions as may be deemed advisable by the municipal council of said corporation. Provided, however, that such by-law or by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within a year from the creation thereof, and shall be approved by a majority of those voting thereon, and the provisions as to procedure and otherwise contained in *The Municipal Act* respecting by-laws creating debts, shall apply to such by-law or by-laws to be passed under the authority of this Act, as if expressly incorporated therewith.

Rev. Stat.
c. 223.

Agreement
with persons
bonused.

2. The said municipal corporation shall be and are hereby authorized to enter into such agreement or agreements and to take such securities as the said municipal council may deem advisable for the due carrying out of the terms and conditions to be imposed by said corporation upon the persons, firms or bodies corporate, who shall agree to establish and carry on said pork-packing industry, and to whom such aid shall be granted.

Exemption
from taxation.

3. The said municipal council of said corporation may also, from time to time, in addition to the said financial aid, by by-law or by-laws to be passed from time to time, exempt the lands, buildings, machinery and plant to be used in connection with said pork-packing industry, from all or any municipal taxes thereon (save school taxes), for such period or periods not exceeding twenty years as the said municipal council may deem advisable.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the village of Winchester.

First Reading, , 1899.

(Private Bill.)

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 90.]

BILL.

[1899.

An Act respecting the village of Winchester.

WHEREAS the corporation of the village of Winchester Preamble.
has by its petition prayed for leave to aid in the establishment of a pork-packing industry in the said village by way bonus or loan to a joint stock company *about* to be organized and incorporated for such purpose, and also by way of exemption from taxation upon the lands, buildings, plant and machinery to be used in connection with said industry, upon such terms and conditions as to the municipal council of said corporation may seem advisable; and whereas *over two-thirds* of the electors entitled to vote upon by-laws creating debts not payable within one year from the creation thereof, have requested the municipal council of said corporation to apply for the passing of this Act; ~~and~~ and whereas it has been made to appear that no bonus or aid in the nature of bonus has heretofore been granted by the said corporation in aid of any industrial enterprise and that there is not now any other business of the same nature in the said village; ~~and~~ and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the village of Winchester to pass a by-law or by-laws for the purpose of raising by way of loan on the credit of the debentures of the Power to borrow \$10,000 to aid pork-packing establishment.

said corporation, a sum not exceeding in the whole \$10,000, at a rate of interest not exceeding five per cent. per annum, from any person or persons, body or bodies corporate, who may be willing to advance the same, for the purpose of aiding in the *promotion of the said* pork-packing business and the purchase of the necessary lands, plant and machinery to equip the same, the said industry to be established within the limits of said village or within one-half mile therefrom, which said aid may be granted and applied by way of loan or bonus to a joint stock company now *being* or hereafter to be organized for the purpose of running said pork-packing industry, and upon such terms and conditions as may be deemed advisable by the municipal council of said corporation. Provided, however, that such by-law or by-laws shall, before being finally passed, be submitted to the votes of the electors entitled to vote upon by-laws creating debts not payable within a year from the creation thereof, and shall be approved by ~~at~~ not less than two-thirds of the ratepayers qualified to vote on money by-laws under the provisions of *The Municipal Act*,¹⁸⁸³ and the provisions as to procedure and otherwise contained in *The Municipal Act* respecting by-laws creating debts, shall apply to such by-law or by-laws to be passed under the authority of this Act, as if expressly incorporated therewith.

Rev. Stat.
c. 223.

Agreement
with persons
bonused.

2. The said municipal corporation shall be and are hereby authorized to enter into such agreement or agreements and to take such securities as the said municipal council may deem advisable for the due carrying out of the terms and conditions to be imposed by said corporation upon the ~~at~~ company now or hereafter organized¹⁸⁸³ who shall agree to establish and carry on said pork-packing industry, and to whom such aid shall be granted.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the village of Winchester.

First Reading, 28th February, 1899.

(*Reprinted as Amended By Private Bills
Committee.*)

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to amend the Law with respect to Compensation for Accidental Injuries to Workmen suffered in the Course of their Employment.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as “*The Workmen’s Short title.*
5 *Compensation Act, 1899.*”

2.—(1) If in any employment to which this Act applies Employer to
personal injury by accident arising out of, and in course of pay compen-
the employment, is caused to a workman, his employer shall, sation.
subject as hereinafter mentioned, be liable to pay compensa-
10 tion in accordance with the Schedule to this Act.

(2) Provided that

Proviso

(a) When the injury was caused by the personal negligence When other
or wilful act of the employer, or of some person civil liability
for whose act or default the employer is respon- of employer
sible nothing in this Act shall effect any civil lia- not to be
15 bility of the employer, but in that case the work- affected.
man may, at his option, either claim compensation
under this Act, or take the same proceedings as
were open to him before the commencement of this
20 Act, but the employer shall not be liable to pay
compensation for injury to a workman by accident
arising out of and in the course of the employment

both independently of and also under this Act, and shall not be liable to any proceedings independently of this Act except in case of such personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible as aforesaid. 5

Wilful misconduct of employee.

(b) If it is proved that the injury to a workman is attributable to the wilful misconduct of that workman, any compensation claimed in respect of that injury shall be disallowed. 10

County Court Judge to determine matters in dispute.

(3) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the employment is one to which this Act applies) or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the Schedule of this Act, be settled by the County Court Judge of the County where such accident arose on a summary application by either the workman or the employer, and the said Judge shall fix the amount of costs incurred by such application. 15 20

Where action brought independently of Act.

(4) If, within the time, hereinafter in this Act, limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act the action shall be dismissed, but the Court in which the action is tried shall, if the plaintiff shall so choose, proceed to assess such compensation, and shall be at liberty to deduct from such compensation the extra costs which in its judgment have been caused by the plaintiff bringing the action instead of proceeding under this Act. 25 30

In any proceeding under this subsection when the Court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction of costs, if any, and such certificate shall have the force and effect of a judgment or of an award under this Act. 35

Limitation of proceedings.

3. Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or in case of death, within six months from the time of death. Provided always that the want of notice under this Act to the employer of the cause of the injury and the date at which it was sustained shall not be a bar to the maintenance of such proceedings. 40 45

Proviso.

Insolvency of employer.

4. When any employer becomes liable under this Act to pay compensation in respect of any accident, and is entitled to any

sum from insurers in respect of the amount due to a workman under such liability, then in the event of the employer becoming bankrupt or unable to pay his debts or making a composition or arrangement with his creditors, or if the employer is a company and the company having commenced to be wound up, such workman shall have a first charge upon the estate of the employer and of the sum aforesaid for the amount so due, and the Judge of the County Court may direct the employer or the insurers or the representatives of the estate of the employer or all of them to pay such sum into Court and order the payment out of the same to the injured workman or his representatives in accordance with the provisions of the Schedule hereto.

5. When the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the workman may, at his option, proceed either at law against that person to recover damages or against his employer for compensation under this Act, but not against both, and if compensation be paid under this Act the employer shall be entitled to be indemnified by the said other person.

Responsibility of third person causing accident.

6. It shall be the duty of all employers under this Act in cases of accidental injuries to workmen to file a full report of such injuries within ten days from the date of the accident with the Provincial Secretary, setting forth the nature cause, extent and date of injury, together with the name and address of the workman injured and the place where the accident took place, and any employer who fails to comply with the requirements of this section of the Act, shall forfeit the sum of \$100, to be recovered before any Court of competent jurisdiction by any person suing as well in his own behalf as on behalf of Her Majesty, and half of such penalty shall belong to the Crown for the uses of the Province and the other half to the party suing for the same, unless the action is brought, as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty for the uses aforesaid.

Reports of accident to be filed with the Provincial Secretary.

7. Under this Act the liability of the employer to compensate the workman as provided herein shall be assumed.

Liability of employer to be assumed.

8. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for an injury.

Contract not to be a bar to action.

9. It shall be the duty of every employer to put up a legible copy of this Act in a conspicuous manner in his premises so as to be readily accessible to any workman.

Copy of Act to be posted by employer.

10. This Act shall come into operation on the first day of July one thousand eight hundred and ninety-nine.

Commencement of Act.

Interpreta-
tion.

11. In this Act

"Employer."

"Employer" shall include a body of persons corporate or person or persons unincorporate, and also the legal personal representatives of a demised employer

"Workman."

"Workman" has the same meaning as in "*The Workmen's Compensation for Injuries Act*," R.S.O. 1897, c. 160.

"Defendant."

"Defendant" shall mean father, mother, brother, sister, wife, child or other person or persons as were wholly or in part dependant upon the earnings of the workman at the time of his death.

5

SCHEDULE A.

SCALE AND CONDITIONS OF COMPENSATION.

1. The amount of compensation under this Act shall be:

(a) Where death results from the injury.

(1). If the workman leaves any dependents wholly dependent upon his earnings at the time of his death, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of \$1,000.00, but not exceeding in any case the sum of \$1,500.00, providing that the amount of any weekly payment made under this Act shall be deducted from such sum, and if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer.

(2) If the workman does not leave any such dependents wholly dependent upon his earnings at the time of his death, but who is or are in part dependent upon his earnings, such sum not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or in default of agreement may be determined by the County Court judge, as aforesaid under this Act, to be reasonable and proportionate to the injury of the said dependents.

(3) If he leaves no dependents, the reasonable expenses of his medical and other attendances and burial not exceeding \$250.00.

(b). When total or partial incapacity for work results from the injury, a weekly payment during the incapacity, calculated from the date of the accident, not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed \$10.00, but not in any case exceeding an aggregate payment of \$1,000 00.

2. In fixing the amount of the weekly payment regard shall be had for the difference between the amount of the actual average weekly earnings of the workman before the accident, and the actual average amount which he is capable of earning after the accident, and to any payment not being wages which he may receive from the employer in respect of his injury during the period of his incapacity.

3. When a workman has commenced proceedings under this Act, he shall, if so required by the employer, submit himself for examination at a place named by the workman, within one week after a written request is given to the workman by the employer for such purpose, by a duly

qualified medical practitioner provided and paid for by the employer, and if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation and any proceedings under this Act in relation to compensation, shall be suspended until such examination takes place.

4. The payment shall, in case of death, be made to the legal personal representatives of the workman, or if he has no legal personal representatives, to or for the benefit of his dependents, or if he leaves no dependents, to the person to whom the expenses are due, and if made to the legal personal representatives, shall be paid by him to or for the benefit of the dependents or other person entitled thereto under this Act.

5. Any question as to who is a dependent, or as to the amount payable to each dependent, shall, in default of agreement, be settled by the said County Court Judge.

6. The sum allotted as compensation to a dependent may be invested or otherwise applied to the benefit of the person entitled thereto as agreed, or as ordered by the County Court Judge.

7. Any workman receiving weekly payments under this Act, shall, if so required by the employer, or by any person by whom the employer is entitled under this Act to be indemnified, unless otherwise ordered by the County Court Judge on summary application, from time to time submit himself for examination at a place named by the workman within one week after a written notice is given to the workman by the employer for such purpose, by a duly qualified medical practitioner provided and paid by the employer or such other persons, but if the workman objects to an examination by that medical practitioner, or is dissatisfied by the certificate of such practitioner upon his condition when communicated to him, he may submit himself for examination to an independent, disinterested practitioner, appointed for such purpose by the County Court Judge, and the certificate of the last named medical practitioner as to the condition of the workman at the time of the examination shall be given to the employer and workman, and shall be conclusive evidence of that condition. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

8. Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by the County Court Judge in summary application, such review to be at the expense of the party requesting the same.

9. When any weekly payment has been continued for not less than six months, the liability therefor may, on the application by or on behalf of the employer, be redeemed by the payment of a lump sum, to be settled in default of agreement by the said County Court Judge, and such lump sum may be ordered by the said Judge to be invested or otherwise applied as above mentioned.

10. A weekly payment, or a sum paid by way of redemption thereof, shall not be capable of being assigned, charged or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

11. No court fee shall be payable by any party in respect of any proceedings under this Act in the County Court prior to the judgment of said Court.

12. Any sum awarded as compensation shall be paid on the receipt of the person to whom it is payable under any agreement or judgment, and his solicitors or agent shall not be entitled to recover from him or to claim a lien on or deduct any amount for costs from the said sum awarded except such sum as may be awarded by the County Court Judge on an application made for such purpose.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Law with respect to
Compensation for Accidental Injuries
to Workmen, suffered in the Course
of their employment.

First Reading, 6th February, 1899.

Mr. CRAWFORD.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 92.]

BILL.

[1899.

An Act respecting the Moneys of Infants and Others in Court.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Ontario, enacts as follows :—

Sub-section 2 of section 159 of *The Judicature Act* is
amended by adding thereto the following words, and the said
5 sub-section as so amended shall be deemed and held to have
been in force since the coming into force of the Revised Stat-
utes of Ontario, 1897 :

Rev. Stat.
c 51, s. 159.
sub-s 2,
amended.

“All moneys and securities for money vested in or held by
the said Accountant or by the Official Guardian ad litem, or
10 either of them, or by any one appointed to discharge the
duties of either of said officers shall be deemed to be vested in
them in trust for Her Majesty. All such moneys and the
proceeds of such securities shall nevertheless be paid out in
accordance with any statute or with any rule of court or
15 Order-in-Council or otherwise as heretofore or as may be pro-
vided or directed by any statute, rule or Order-in-Council.”

Moneys, etc.,
vested in
Accountant,
Guardian, etc.
to be deemed
to be held in
trust for
Crown.

BILL.

An Act respecting the Moneys of Infants
and Others in Court.

First Reading, 6th February, 1899.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 93.]

BILL

[1899.

An Act respecting County Council Elections.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Subsection (n) of section 168 of *The Municipal Act*, is
5 amended by striking out all the words therein after the word
“division” at the end of the third line thereof and substitut-
ing therefor the words “and shall not give more than one
vote for each such candidate.”

Rev. Stat. c.
223, s. 168
sub-s. 2
amended.
Voting for
county coun-
sellors.

2. Schedule B. to the said Act, being the form of directions
10 for the guidance of voters in voting at municipal elections,
is amended by striking out the second paragraph thereof.

Rev. Stat. c.
223, s. Sched.
B. amended.

No. 93.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting County Council Elections

First Reading, 7th February, 1899.

Mr. SMITH.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 94.]

BILL

1899.]

An Act respecting Voters' Lists in Unorganized Territory.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Part III of *The Ontario Voters' Lists Act* is suspended for 5 two years from the passing of this Act, unless when otherwise ordered by the Lieutenant-Governor in Council.

Rev. Stat.,
c. 7, Part III,
suspended for
two years.

2. Until a new voters' list has been prepared for unorganized territory under the said Part III or under any other enactment of the Legislature of this Province, the voters' lists prepared and certified under the said Part III in the year 1898 shall in any election to the Legislative Assembly be the lawful voters' lists for the polling subdivisions to which such lists are applicable. (See 59 Vict. chap. 3.)

Voters' list
prepared in
1898 to be
used until new
list prepared.

No. 94.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act respecting Voters' Lists in Unorganized Territory.

First Reading, 7th February, 1899.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 95.]

BILL.

[1899.]

An Act to amend The Railway Act of Ontario.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Subsection 8 of section 20 of *The Railway Act of Ontario* is amended by striking out the words "by the Judge aforesaid" occurring in the last line thereof and substituting the words "by the clerk of the county court."

Rev. Stat. c.
207, s. 20, sub-
8, amended.
Costs of arbi-
tration when
lands taken
taxation.

No. 95.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Railway Act of
Ontario.

First Reading, 7th February 1899.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 96.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Sub-section 2 of section 129 of *The Municipal Act* is amended by inserting after the word “day” in the first line thereof the words, “at any time before seven o’clock in the afternoon.”

Rev. Stat., c.
123, s. 129,
sub. 2.

Resignation of
candidates.

NO. 96.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th February, 1899.

Mr. HOYLE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 97.]

BILL.

[1899.

An Act to amend The Election Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 67 of *The Ontario Election Act*, as the same is enacted by section 3 of the Act passed in the sixty-first year of Her Majesty's reign, chapter 5 is repealed, and the following substituted therefor:—

67.—(1). In the case of a township, town or village which forms a polling sub-division, or is divided into polling sub-divisions under this Act, the clerk of the municipality, if not a candidate, shall be appointed by the returning officer to be a deputy returning officer, unless he is absent or incapacitated from any cause; and in case of his absence or incapacity the assessor or collector, unless absent or unless he is in the opinion of the returning officer incapacitated from any cause, shall be appointed a deputy returning officer.

(2) In all other cases the deputy returning officer shall be a resident ratepayer of the municipality in which he is appointed to act.

2. Section 175 of *The Ontario Election Act* is amended by inserting therein after the word "election" in the third line the words, "or at any election held prior to the next general election."

2nd Session, 9th Legislature, 62 Vict.; 1899.

BILL.

An Act to amend The Election Act.

First Reading, 8th February, 1899.

Mr. HOYLE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 98.]

BILL.

[1899.

An Act to amend The Registry Act.

HER MAJESTY by and with the advice and assent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. No mortgage hereafter executed shall be registered in
5 any registry office unless the full amount of the principal
money thereby secured or the liability or indebtedness there-
by covered is plainly stated therein in dollars and cents to-
gether with the rate of interest payable thereon, nor shall such
mortgage be registered if it contains any words seeking to
10 charge upon the lands mentioned therein the payment of any
indebtedness or liability either past, present or future of the
mortgagor or any other person other than or in addition to the
principal money or stated liability or indebtedness thereby
secured ; provided that nothing herein contained shall apply
15 to any covenant proviso or condition for the payment of the
taxes on the mortgaged premises or the premiums of insur-
ance on the buildings thereon.

Mortgage to
state the full
amount of
principal and
interest.

Proviso.

2. This Act shall be read with and shall form part of *The*
Registry Act.

Rev. Stat.
c. 136.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Registry Act.

First Reading, 8th February, 1899.

Mr. BARR.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 99.]

BILL.

[1898.]

An Act to amend The Prison and Asylum Inspection Act,

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

Section 10 of *The Prison and Asylum Inspection Act* is
5 amended by striking out the words “at least twice in each
year” where they occur in the fifth line of said section, and
inserting in lieu thereof the words “once in each year and
more frequently if necessary, or if so directed by the Minister
in charge.”

Rev. st. t. c.
321, s 10,
amended.

No. 99.

2nd Session, 9th Legislature, 62 Vic, 1899.

BILL.

An Act to amend The Prison and Asylum
Inspection Act.

First Reading, 8th February, 1899.

Mr. DAVIS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 100.]

BILL

[1899.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario
enacts as follows :—

Sub-section 22 of section 583 of *The Municipal Act*, is
5 repealed and the following substituted therefor :

Rev. Stat.
c. 223, s. 583,
subs. 22
repealed.

22 For licensing and regulating junk stores or shops, and
second hand shops and dealers in second hand goods, and for
revoking and cancelling the license of any person convicted of
a second offence against such by-law or convicted of an offence
10 against part 25 of *The Criminal Code*, 1892.

Licensing and
regulating
junk shops,
tc.

No. 100.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th February, 1899.

Mr. STRATTON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 101]

BILL.

[1899.

An Act to regulate the Over-Crowding of Street Railway Cars.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enact^s
as follows:

1. Every passenger on a street railway car shall be *prima* Passengers
entitled to
seats.
5 *facie* entitled to a seat.

2. Should the cars be so over-crowded as to prevent each Rights of
passengers not
able to obtain
seats.
passenger having a seat, then the passenger not receiving his
proper seat shall be entitled, if a ticket holder, or if he pays
his fare in cash, to demand and receive from the conductor in
10 charge of the car, in which such passenger is stand-
ing, a ticket entitling him to a seat in any car, on the same
route, during the same hours of any other day, or at his option
if a ticket holder, he may tear his ticket into two parts as
nearly as practicable and use one part for that trip, and the
15 other part of the ticket shall be good for a standing trip at
any future time when the cars shall be so over-crowded that
he shall be unable to receive his proper seat, such half ticket
being good only during the same hours as the whole ticket
would have been good.

20 3. No person shall be refused the right to admission in any Persons to be
admitted
while there is
standing room
car on its regular route, at any regular stopping place along
the route, provided there is a reasonable standing room for such
passenger on such car.

4. The street railway company whose officer or conductor fails or refuses to comply with any of the requirements of this Act shall forfeit the sum of one hundred dollars to be recovered before any court of competent jurisdiction.

Act to apply
to night ser-
vice or on
holidays.

5. The provisions of section 2 of this Act shall not apply 5
to the night service of the street railway where passengers
are obliged under the rules thereof to pay increased fares ;
nor shall the said provisions apply during the period in which
any agricultural or industrial exhibition shall be held within
the municipality in which the street railway is situate nor on 10
any public holiday observed by such municipality.

Application of
Act.

6. This Act shall only apply to railways in cities whose
population at the last official census was over 100,000
inhabitants.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to regulate the Over-crowding of
Street Railway Cars.

First Reading, 13th February, 1899.

Mr. CRAWFORD.

TORONTO :

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty

No. 102.]

BILL.

[1899.

An Act to further improve The San Jose Scale Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The San Jose Scale Amend-* Short title.
5 *ment Act*.

2. Section 7 of *The San Jose Scale Act, 1898*, is hereby 61 V. c. 33, s. 7,
amended by adding the following subsection : amended.

(a) If, in the case of an orchard or collection of plants, the
inspector finds scale on plants located in several different parts
10 of the orchard or collection, and decides that it is advisable in
the public interest to destroy all the plants in such orchard or
in any part or parts thereof and so reports to the Minister, the
Minister may direct that an examination or inspection shall be
made by an additional inspector, and upon their advice in
15 writing he may direct that all the plants in such orchard or
such collection of plants or in such part or parts thereof shall
be destroyed without requiring that every plant in the said
orchard or collection shall be first examined.

3. The owner or proprietor of any nursery shall not send
20 out or permit any plant to be removed from his nursery with-
out the same being first fumigated by hydrocyanic acid gas in
accordance with regulations prescribed by order of the Lieu-
tenant-Governor-in-Council.

Destruction
of diseased
plants.

Plants to be
fumigated be-
fore leaving
nursery.

Sale of plants
before fumiga-
tion prohi-
bited.

4. No person shall sell or dispose of or offer for sale any plant obtained, taken, or sent out from a nursery unless the said plant has previously been fumigated in accordance with these regulations.

Scale in a
nursery—
stock not to
be removed
without leave
of Minister.

5. In case the inspector finds scale in any nursery and so reports to the Minister, the Minister may thereupon inform, by writing, the owner or proprietor or manager of said nursery of the existence of scale in his nursery, and the owner or proprietor or manager of said nursery shall not thereafter permit any plant or plants to be removed from the said nursery until the inspector reports to the Minister that it is safe in the public interest to permit the said nursery stock to be removed after fumigation.

Act incorpor-
ated with 61
V. c. 33.

6. This Act and *The San Jose Scale Act, 1898*, shall be read and construed as one Act.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to further improve The San Jose
Scale Act.

First Reading, 13th February, 1899.

Mr. DRYDEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 103.]

BILL

[1899.]

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sub-section 5 of section 84 of *The Assessment Act* is
5 amended by striking out the words "said outside" in the
seventh and eighth lines thereof, and inserting after the word
"Judges" in the said eighth line the following words "trying
the said appeal."

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Assessment Act.

First Reading, 13th February, 1899.

Mr. WARDELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 104.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 3 of section 48 of *The Municipal Act* is Rev. Stat.
5 amended by striking out the words “with a population of c. 223, s. 481,
100,000 or over” in the 1st and 2nd lines of the said sub-section. sub-sec. 3.

No. 104.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Municipal Act.

First Reading, 13th February, 1899.

Mr. WARDELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 105.]

BILL

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Sub-section 1 of section 699 of *The Municipal Act* is
5 repealed, and the following is substituted therefore :

Rev. Stat.
c. 223, s. 699,
sub-section 1
repealed.

“ Fifty or one-quarter in number of the persons shown by
the last revised assessment roll to be the owners of real pro-
perty comprised in a township, city, town or village, or any
portion of any such municipality to be defined in the petition
10 hereinafter referred to, and who according to such assessment
roll represent at least one-quarter of the value of such pro-
perty, may petition the council to aid any street railway
company by granting money or debentures by way of bonus
or gift or by way of loan to such company to assist in the
15 construction of the railway to, through, or partly through or
near to such municipality or portion thereof, and may in such
petition define the manner and amount of the aid desired.”

Aid to street
railways.

2. Subsection 2 of the said section 699 is amended by strik-
ing out the words “portion of the municipality” wherever
20 they occur in the section and substituting therefor in
each case the words “municipality or portion thereof.”

Rev. Stat.
c. 223, s. 699,
sub-section 2
amended.

No. 105.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th February, 1899.

MT. KRIBS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. From and after the date of polling for the general municipal elections in the year 1901 the municipal elections for towns not separated from the county for municipal purposes and for villages and townships shall be held in alternate years, but upon the same days and at the hours and places at present fixed by law for the holding of municipal elections and said elections shall be held at the same time as the elections for the county councils.

Elections for towns not separated from the county and for villages and townships to be held in alternate years.

2. Section 95 of *The Municipal Act* is repealed and the following section substituted therefor :

Rev. Stat. c. 223, s. 95 repealed

95. The electors of every city and town separated from a county for municipal purposes shall elect annually on the first Monday in January the members of the council of the municipality, except such members as have been elected at the nomination, and the electors of every town not separated from a county for municipal purposes and of every village and township shall elect in alternate years on the first Monday in January the members of the council of the municipality, except such members as have been elected at the nomination. The persons so elected shall hold office until their successors are elected or appointed or sworn into office, and until the new council is organized. In the case of the erection of a new corporation

Time for holding municipal elections

or any change in municipal boundaries an election shall be held thereafter as heretofore for the election of members of councils of towns not separated from the county for municipal purposes and of villages and townships, but the members so elected shall hold office only until such time as a general election of county councillors will occur in due course of law, when a new council shall be elected in the manner provided by this Act. 5

Rev. Stat.
c. 223, subs. 1
repealed.

3. Sub-section 1 of section 118 of *The Municipal Act* is repealed and the following is substituted therefor: 10

Time for holding nomination meetings.

(1) Subject to the provisions of section 120 of this Act a meeting of the electors shall take place for the nomination of candidates for the office of mayor in cities and towns separated from the county for municipal purposes annually and of mayor in towns not separated from the county for municipal purposes in alternate years at the hall of the municipality on the last Monday in the month of December, at ten o'clock in the forenoon. 15

Rev. Stat.
c. 223, s. 119
repealed.

4. Section 119 of the said Act is repealed, and the following substituted therefor: 20

Nominations for aldermen and councillors.

Save as otherwise provided by section 120 a meeting of the electors shall take place for the nomination of candidates for the offices of aldermen or councillors in cities and in towns separated from the county for municipal purposes annually, and of aldermen or councillors in towns not separated from the municipality for municipal purposes, and of reeves and councillors in villages and townships in alternate years after the general municipal election for the year 1901, at noon on the last Monday in December, at the Town Hall of the municipality or at such place therein, and in cities and towns divided into wards at such place in each ward thereof, as may from time to time be fixed by by-law, subject in the case of townships to the provisions of section 123. 25 30

Rev. Stat.
c. 223, s. 216
subs. 1,
amended.

5.—(1). Subsection 1 of section 216 of the said Act, is amended by inserting after the word "year" in the third line thereof the words "next preceding" a general municipal election." 35

Rev. Stat. c.
223, s. 216,
subs. 3,
amended.

(2) Subsection 3 of said section 216 is amended by inserting after the word "year" in the second line thereof the words "next preceding a general municipal election." 40

Commencement of Act.

6. This Act shall not come into force until the annual general municipal election to be held for the year 1901.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th February, 1899.

Mr. JAMIESON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

No. 107.]

BILL.

[1899.]

An Act to amend The Education Department Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

Subsection 1 of section 5 of *The Education Department Act* Rev. Stat.
c. 291, s. 5,
subs. 1
5 is amended by inserting after the word “persons,” in the
seventh line thereof, the words “three of whom shall be
Public School teachers.” amended.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Education Department Act.

First Reading 15th February, 1899.

Mr. Brower.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. *The Municipal Act* is hereby amended by adding thereto
5 the following section as section 511(a):—

Rev. Stat.
c. 223
amended.

“ 511(a). When in any city or town the court house and
“ gaol have been erected at the expense of the county after the
“ separation of such city or town from the county, and before
“ the 29th day of March, 1873, and when such city or town
10 “ has not erected separate buildings, then the award shall
“ determine what sum shall be annually paid to the county as
“ the share or contribution of such city or town in respect of
“ the use of the said buildings by the inhabitants of such city
“ or town, and, in estimating such amount, the arbitrators shall
15 “ award a proportion of the interest upon the cost of such
“ buildings, computed at the rate of five per centum per
“ annum, having due regard to the extent of the use of the
“ said buildings by the inhabitants of the said city or town and
“ county respectively, and the amount so awarded to be paid
20 “ by the city or town shall be in addition to the amounts pay-
“ able by such city or town under sections 509 and 516 of this
“ Act.”

Contribution
by city or
town in case
of county
buildings
erected before
29th March,
1873.

2. Section 512 of *The Municipal Act* is repealed and the fol-
lowing substituted therefor :—

Rev. Stat.
c. 223, s. 512,
repealed.

Pending
actions and
awards now in
force.

" 512. Nothing in sections 510, 511 or 511(a) shall affect any
" agreement or award in force on the 1st day of July, 1897, or
" any action or proceedings at law pending on said date, but
" the said sections shall apply in case of any agreement or
" award thereafter made between any such county and city or
" separated town."

Rev. Stat.
c. 223, s. 516,
amended.

3. Section 516 of *The Municipal Act* is hereby amended by
adding thereto the following sub-section as sub-section (3):—

Arbitrators to
award amount
for use of
county build-
ings by city
or separated
town.

" 3. In case of arbitration under the preceding provisions of
" this section in determining the compensation to be paid for
" the use by a city or separated town of the court house, gaol
" or house of correction of the county, the arbitrators shall, so
" far as they deem the same just and reasonable, take into con-
" sideration the original cost of the site and erection of the
" said buildings, and how the amount thereof had been contri- 15
" buted by such city or separated town and county respectively
" and shall allow such amount as they may deem reasonable
" for such use of the said buildings by the inhabitants of the
" city or town in common with the inhabitants of the county,
" although there may be no separate use thereof by such city 20
" or town as a municipality, and in estimating such amount
" the arbitrators shall award a proportion of the interest upon
" the cost of such buildings computed at the rate of five per
" centum per annum upon the outlay thereon prior to the 29th
" day of March, 1873, having due regard to the extent of the 25
" use of the said buildings by the inhabitants of the said city
" or town and county respectively."

No. 108.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL

An Act to amend The Municipal Act.

First Reading, 15th February, 1899.

Mr. KIDD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows.

1. Subsection 1 of section 299 of *The Municipal Act* is 5 repealed and the following substituted therefor :—

Rev. Stat.,
c. 223, s. 299,
subsection 1
repealed.

(1) The council of every municipality may not later than the month of November in any year appoint two auditors to hold office during the pleasure of the council but unless and until there are two auditors so appointed in any municipality 10 every council shall not later than the month of November in each year appoint two auditors to audit the accounts of the municipality for the year commencing on the first day of December next preceding such appointment, but no one who at such time or during the year commencing on the said 1st day 15 of December is or was a member, or is or was a clerk or treasurer of the council or who has or since the said 1st day of December had directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation except as 20 auditor, shall be appointed an auditor.

Auditors
when to be
appointed.

2. Section 301 of *The Municipal Act* and section 9 of *The Municipal Amendment Act of 1896* are repealed.

Rev. Stat.,
c. 223, s. 301 ;
61 V. c. 23,
s. 9 repealed.

Rev. Stat.,
c. 223, s. 302,
repealed.

3. Section 302 of *The Municipal Act* is repealed and the following substituted therefor :—

Duty of
permanent
auditors.

302. The auditors of the City of Toronto and the auditors appointed to hold office during pleasure by any council shall every month commencing at the end of the month of December following their appointment examine and report upon all accounts affecting the corporation or relating to any matter under its control or within its jurisdiction. 5

Rev. Stat.,
c. 223, s. 303
repealed.

4. Section 303 of the said Act is repealed and the following substituted therefor :— 10

Vacancy in
office of
auditor.

303. in the event of a vacancy in the office of auditor happening by death, resignation or otherwise the council may by by-law fill such vacancy.

Rev. Stat.,
c. 223, s. 304,
subsection 1
repealed.

5.—(1) Subsection 1 of section 304 of *The Municipal Act* is repealed and the following substituted therefor :— 15

Duties of
auditors.

(1) In addition to such other duties as may be imposed upon them by by-law of the municipality the auditors shall examine and report upon all accounts affecting the corporation or relating to any matter under its control or within its jurisdiction for the year commencing on the 1st day of December preceding their appointment; and the abstract and detailed statement hereinafter mentioned shall be for the year commencing on the said 1st day of December and the said abstract and detailed statement shall be filed with the clerk of the municipality on or before the 10th day of December. 20 25

Subsection 6
repealed.

(2) Subsection 6 of section 304 of the said Act is repealed and the following substituted therefor :—

Publication of
abstract and
detailed
statement.

(6) The council of every town, township and village shall hold a meeting on the tenth day of December in each year, or if that date is Sunday then on the following Monday, and shall immediately thereafter publish the abstract and detailed statement prepared by the auditors of the receipts and expenditures, assets and liabilities of the corporation for the year commencing on the 1st day of December of the preceding year. The said abstract and statement shall be signed by the auditors and shall be published forthwith in one or more newspapers (if any) of the municipality and also in such other newspapers circulated in the municipality, as the council may direct. 30 35 40

Subsection 7
repealed.

(3) Subsection 7 of the said section 304 is repealed and the following substituted therefor :— 45

(7) Instead of publishing the said abstract and detailed statement in any newspaper, the council may cause the same to be posted up not later than the 20th day of December in the offices of the clerk and treasurer, as well as at all the post offices in the municipality, and at not less than 12 other conspicuous places therein.

Posting up
Statement.

5

(4) Subsection 8 of the said section 304 is amended by striking out the words "twenty-fourth day of December" in the fourth line of the said subsection and inserting in lieu thereof the words "twentieth day of December" and by adding at the end of the said sub-section the words "and the person acting as returning officer shall, if requested, by any elector present read said abstract and detailed statement at the nomination."

Subsection 8
amended.

Duties of
clerk and
returning
officer.

15 nation."

6. Section 306 of the said Act is repealed and the following substituted therefor:—

Rev. Stat.,
c. 223, s. 306
repealed.

In the case of a local municipality the clerk shall transmit to the clerk of the county council a copy of the auditors' abstract and detailed statement, and the same shall be kept by the clerk of the county council as a record in his office.

Abstract and
detailed state-
ment to be
sent to county
clerk.

20

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 15th February, 1899.

MR. MUTRIE.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 110.]

BILL.

[1899.]

An Act to amend The Public Schools Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows ;—

1. Subsection 3 of section 78 of *The Public Schools Act* is
5 repealed. Rev. Stat.
c. 292, s. 78,
subs. 3,
repealed.
2. Paragraph 6 of section 83 of the said Act is amended by
striking out all the words therein down to and including the
word "and" in the fourth line of the said paragraph. Rev. Stat.
c. 292, s. 83,
amended.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Public Schools Act.

First Reading, 15th February, 1899.

Mr. BROWER.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 111.]

BILL.

[1899.]

Act to amend the Act of Incorporation of The
Ontario Veterinary Association.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The Act passed in the 42nd year of Her Majesty's reign, ^{42 V. c. 80}
5 chaptered 80, is amended by inserting therein the following ^{amended.}
section:

3a. It shall not be lawful for any person not registered, ^{Penalty for}
to practice Veterinary Medicine or Surgery, or to perform ^{practising}
any surgical operation on animals for hire, gain or hope of ^{when un-}
10 reward. And if any person not registered pursuant to this ^{registered.}
Act, for hire, gain or hope of reward, practices or professes
to practice Veterinary Medicine or Surgery, or advertises to
give advice in Veterinary Medicine or Surgery, he shall upon
summary conviction therefor before any Justice of the
15 Peace, for each and every such offence, pay a penalty not
exceeding twenty-five dollars nor less than five dollars.

BILL.

An Act to amend The Act of Incorporation
of the Ontario Veterinary Association.

First Reading, 15th February, 1899.

Mr. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 112.]

BILL.

[1899.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Assessment Act* is amended by adding thereto the following section:—

Rev. Stat.
c. 224
amended.

36a. The council of any municipality may pass a by-law or by-laws whereby in the case of merchants engaged in retail trade the assessment instead of being on the personal property of such merchants belonging to their businesses, shall be a business tax based upon the sale or turnover in the business done during the preceding year according to a schedule to be fixed by the council or such person or persons as the council may appoint.

Turnover tax
on merchant's
business.

BILL.

An Act to amend The Assessment Act.

First Reading 15th February, 1899.

MR. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 113.]

BILL

[1899.]

An Act to amend The Municipal Act.

1. Subsection 2 of section 16 of *The Municipal Amendment Act, 1898*, is repealed.

61 V. c. 2, s.
16, subs. 2
repealed.

2. Subsection 2 of section 435 of *The Municipal Act* as amended by subsection 1 of section 16 of *The Municipal Amendment Act, 1898*, shall not apply and shall not be held to have applied heretofore to any town or township or village any portion of which is situate within two miles of a city containing more than one hundred thousand inhabitants.

Rev. Stat.
c. 223, s. 425,
61 V. c. 23, s.
16, subs. 1,
amended.

No. 113.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to amend The Municipal Act.

First Reading, 15th February, 1899.

Mr. HILL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 114.]

BILL

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 606 of *The Municipal Act* is amended by adding
5 the following subsections: Rev. Stat.
c. 223, s. 606,
amended.

(4) In any action brought under the provisions of this section the defendant corporation may, at any time after the filing of the statement of claim, apply to the court or a judge for security for costs, upon an notice and an affidavit showing the
10 nature of the action and that the defendant corporation has a good defence to the action on the merits or that the grounds of action are trivial or frivolous ; and the court or judge shall make an order that the plaintiff shall give security for the costs to be incurred in such action, and the security so ordered
15 shall be given in accordance with the practice in cases where a plaintiff resides out of the province, and the order shall be a stay of proceedings until the proper security is given. Provided that if upon the return of the notice the plaintiff, by affidavit, satisfies the court or a judge that he has a good cause
20 of action against the municipality, the court or judge may order that the action proceed without security being given.

(5) For the purposes of subsection 4 of this section the plaintiff may be examined upon oath at any time after the statement of claim has been filed. Examination
of plaintiff on
oath.

No. 114.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 15th February, 1899.

Mr. BROWER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 7, of *The Assessment Act*, is amended by adding thereto the following words: "But this exemption shall not apply to any land which is held by Her Majesty for the University of Toronto, or any other university or college, which property is not in actual use by such university or college." Rev. Stat. c. 224, s. 7, s.s. 1, amended.
2. Subsection 3 of section 7, of the said Act, is amended by striking out the words "and land used in connection therewith" in the first and second lines thereof and also by inserting the words "and other taxes" after the word "improvements," in the fifth line thereof. Rev. Stat. c. 224, s. 7, s.s. 3, amended.
3. Subsection 4 of said section 7, of the said Act, is amended by striking out the words "or other incorporated seminary of learning," in the second and third lines thereof, and by inserting the word "or" after the word "college" in the second line thereof; also by adding at the end, after the word "occupied" in the fifth and sixth lines, the following words, "and also the buildings belonging to every other incorporated seminary of learning, but the land on which such seminary of learning stands shall be liable to be assessed." Rev. Stat. c. 224, s. 7, s.s. 4, amended.

Rev. Stat.
c. 224, s. 131,
amended.

4. Section 13 of the said Act is amended by adding at the end thereof the following sub-section:

Form of as-
sessment roll
in cities over
100,000 varied.

(8) In case of a city having a population of 100,000 or more, the form of the assessment roll may be varied so as to shew in column two the name of the occupant, if any, and if no occupant, then by inserting the words "vacant lot"; and in column six, the name and address of the owner or lessee, if such lessee holds a ground lease extending over twenty-one or more years, and by shewing by the letters O and L the fact of whether the person named in such column is the owner or lessee as aforesaid, instead of the form in this section set out.

Rev. Stat.
c. 224, s. 18,
amended.

5. Section 18 of the said Act is amended by adding after the word "property" in the fourth line thereof, the following words: "except the ways, rails, poles, wires, gas and other pipes, sub-structures, super-structures, and other plant and appliances belonging to street railways, telegraph, telephone, gas, electric light, water, and other similar companies, within any city"; and by adding at the end of the section the following words: "The said ways, rails, poles, wires, gas and other pipes, sub-structures, super-structures, and other plant and appliances within any city or town, belonging to a street railway, telegraph, telephone, gas, electric light, water, and other similar companies, shall be assessable in one ward, and that the one in which the head office of such company is situated, if such head office is situated in such city or town, but if the head office of such company is not in such city or town, then the assessment may be in any ward of such city or town, and such ways, rails, poles, wires, gas and other pipes, sub-structures, super-structures, and other plant and appliances, shall be assessed at their fair value to the owner as plant and material in use in going concerns."

Assessment of
street railway
and other sim-
ilar com-
panies.

Rev. Stat.
c. 224, s. 39,
s.s. 1,
amended.

6. Subsection 1 of section 39, of the said Act, is amended by striking out the words "other than the companies mentioned in subsection 2 of this section," in the second and third lines thereof.

Rev. Stat.
c. 224, s. 39,
s.s. 2,
amended.

7. Subsection 2 of said section 39 is amended by striking out all the words in the section after the word "bank" in the first line thereof, down to and including the word "estate" in the fifth line thereof, and by substituting the word "bank" for the word "companies" in the last line thereof.

Rev. Stat.
c. 135, s.s. 1,
amended.

Property
liable to dis-
tress for ar-
rears in debts
of certain size.

8. Section 135 of the said Act is amended by inserting the following proviso after subsection 1 thereof: "Provided, however, that in cities having a population of 100,000 or more no distress for the taxes upon each parcel of vacant property shall be made upon the goods or chattels of the owner in any part of the county other than upon such property, and this provision shall be retroactive so as to apply to the returns for arrears of taxes for the years 1896 and 1897."

9. Section 148 of the said Act is amended by adding the following proviso thereto: "Provided that in cities having a population of 100,000 or more, the collector of taxes may qualify the oath to be made by him by shewing that, in respect of
5 vacant land, he has not attempted to distrain upon the goods and chattels of the owner in any other part of the county, than upon such vacant land."
- Rev. Stat.
c. 224, s. 148,
amended.
Oath of tax
collector in
such cases.
10. Section 153 of the said Act is amended by inserting the words "or built upon" after the word "occupied" in the eighth
10 line thereof; by inserting the words "or otherwise" after the word "notice" in the eleventh line thereof, and also by inserting the words "or built upon" after the word "occupied" in the thirteenth and fourteenth line thereof.
- Rev. Stat.
c. 224, s. 153,
amended.
11. Subsection 1 of section 155, of the said Act, is amend-
15 ed by inserting the words "or is built upon" after the word "year" in the fifth line thereof, and by inserting the words "or built upon" after the word "occupied" in the eighth line thereof.
- Rev. Stat.
c. 224, s. 155,
s.s. 1,
amended.
12. Subsection 2 of said section 155 is amended by insert-
20 ing the words "or lands built upon" after the word "lands" in the seventh line thereof.
- Rev. Stat.
c. 224, s. 155,
s.s. 2,
amended.
13. Subsection 3 of the said section 155 is amended by insert-
ing the words "or lands built upon" after the word "lands" in the third line thereof.
- Rev. Stat.
c. 224, s. 155,
s.s. 3,
amended.
- 25 14. Section 156 of the said Act is amended by inserting the words "or lands built upon" after the word "lands" in the second line thereof.
- Rev. Stat.
c. 224, s. 156,
amended.
15. Section 158 of the said Act is amended by inserting the words "or upon lands built upon" after the word non-resi-
30 dent" in the third and fourth line thereof.
- Rev. Stat.
c. 224, s. 158,
amended.
16. Section 162 of the said Act is amended by adding the following subsection thereto:—
- Rev. Stat.
c. 224, s. 162,
amended.
- (1) The treasurer of any city having a population of 100,000 or more, may receive payment from time to time on ac-
35 count of the taxes returned to him as in arrear upon any parcel of land, or upon taxes due on personal property, but no such payments shall be received after he has advertised such lands for sale for arrears of taxes.
- Receipt of ar-
rears of taxes
after adver-
tisement.
17. Section 173 of the said Act is amended by adding the
40 following subsection thereto:
- Rev. Stat.
c. 224, s. 173,
amended.
- (1) In cities having a population of 100,000 or more, the treasurer may add to the taxes shewn in the lists of lands liable to be sold for taxes, any taxes which have fallen due
- Treasurer to
have power to
add arrears
accruing after
return.

since those shewn in the lists furnished by the treasurer to the clerk under section 152 hereof, and which last mentioned taxes have been returned by the collector to him, as provided in section 147 hereof, and thereafter he shall be at liberty to proceed to sell the said lands, as if such last mentioned taxes had been included in the statement furnished by him to the clerk, under section 152 hereof. 5

Rev. Stat.
c. 224, s. 184,
amended.

18. Section 184 of the said Act is amended by adding the following subsections thereto:

After abortive
tax sale lands
vest in corpor-
ation to be
sold or dedi-
cated to cer-
tain purposes.

(4) In cities of over 100,000 inhabitants, if any land is offered for sale for taxes, as herein provided, and does not realize the amount of such taxes charged the treasurer shall not proceed further with the sale, but each such lot or parcel of land shall immediately vest in the corporation, with a right to the owner to redeem the same within one year from the date of sale, but if not so redeemed, then at the expiration of such year the mayor and treasurer shall convey the said lands to the said corporation, whereupon the title shall be absolutely vested in the corporation, with power to pass by-laws to set aside all such property for parks, public squares, playgrounds, school sites, fire halls, or other lawful uses of the corporation, or to lease or sell the same by public auction or private sale, as the council may decide, and thereafter may, if deemed prudent, remove such property from the dedication for any of the purposes aforesaid, and may sell the same, if in the opinion of the council, the use of the same for any of the purposes aforesaid be no longer necessary. 10 15 20 25

Property
dedicated as
aforesaid may
be removed
from dedica-
tion.

(5) In cities having a population of 100,000 or more, the municipal council thereof, by by-law, may dedicate as a public park, or for any public uses of the municipality, any lands which have been acquired by the municipality for arrears of taxes, or any which they may hereafter acquire, and which have not been redeemed within the year authorized by by-law for redemption thereof, and thereafter may, if deemed prudent, remove such property from the dedication for any of the purposes aforesaid, and may sell the same, if, in the opinion of the council, the use of the same for any of the purposes aforesaid be no longer necessary. 30 35

Rev. Stat.
c. 224,
amended.

19. The said Act is amended by inserting the following section therein: 40

Irregularities
not to avoid
sale.

192 (a) The several provisions contained in the sections from 135 to 192 inclusive (except sections 159 and 192) are hereby declared to be directory only, and no tax sale shall be set aside by reason of any neglect or omission in carrying out any of the provisions contained in the said sections, if there has been a substantial compliance with the provisions thereof. 45

Rev. Stat.
c. 224, s. 225,
amended.

20. Section 225 of the said Act is amended by inserting the words "having a population of less than 100,000" after

the word "city" in the first line thereof, and by adding at the end thereof: "But any cities containing a population of 100,000 or more, the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on hand, shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit said books and accounts at least once in every year."

Audit of
treasurer's
books.

21 Section 237 of the said Act is amended by adding the following sub-section thereto:

Rev. Stat.
c. 224, s. 237.

(3) The council of any city having a population of 100,000 or more, may from time to time, without the assent of the ratepayers by by-law, authorize the mayor to issue, under the corporate seal, upon the credit of the taxes in arrear in such city, debentures payable not later than eight years after the date thereof, and for sums not less than \$100.00 each, so that the whole of the debentures at any time issued and unpaid do not exceed two-thirds of all arrears then due and owing upon the lands in the city, together with such other sums as may be in the treasurer's hands, or otherwise invested to the credit of the said arrears of taxes.

Power given
to municipal-
ity to issue
debentures on
credit of ar-
rears of taxes.

No. 115.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Assessment Act.

Second Reading, 15th of February, 1899.

Mr. MARTER.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 116.]

BILL.

[1899.

An Act to amend The Assessment Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Subsection 2 of section 75 of *The Assessment Act* is amended' by adding thereto the following words:

Rev. Stat.
c. 224, s. 75
subs 2

“ And the person appealing in case the appeal relates to the assessment of the property of not more than three owners shall also at the time of serving such notice deposit with the clerk of the municipality the sum of \$20 as security for the costs of the appeal. And in case the appeal relates to the assessment of more than three such owners the appeal shall be by not less than five freeholders in the municipality, and they shall deposit the sum of \$100 as security for the costs of the appeal. In the event of the dismissal of the appeal the costs thereof shall be taxed and allowed by the judge and paid by the person or persons appealing, and in case the appeal is allowed the amount deposited as security for costs shall on the order of the judge be paid out to the person or persons appealing.”

amended.
Securing for
costs on appeal
from Court of
Revision to
County Judge.

2nd Session, 9th Legislature, 62 Viet, 1899.

BILL.

An Act to amend The Assessment Act.

First Reading 16th February, 1899.

MR. JOYNT.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 117.]

BILL.

[1899.]

An Act to amend The Registry Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows.

1. Section 3 of *The Registry Act* is amended by striking
5 out the words "Lieutenant-Governor in Council" in the sixth
line thereof and inserting in lieu thereof the words "county
or city council." Rev. Stat.
c. 136, s. 8
amended.

2. Section 8 of the said Act is amended by taking out the
words "Lieutenant-Governor in Council" where they occur
10 in the second line of the said section and inserting in lieu
thereof the words "inspector of registry offices," and by
striking out the words "by proclamation" in the third line
and by adding at the end of said section the words "and the
county or city council shall within the space of twelve
15 months remove the office to the place designated by the
inspector." Rev. Stat.
c. 136, s. 8
amended.

3. Section 9 of the said Act is amended by striking out
the word "Lieutenant-Governor in Council" in the ninth
and tenth lines and inserting in lieu thereof the words,
20 "inspector of registry offices." Rev. Stat.
c. 136, s. 9
amended.

4. Section 11 of the said Act is amended by striking out
the words "Lieutenant-Governor" in the first line, and
inserting in lieu thereof "municipal council of the city or
Rev. Stat.
c. 136, s. 11.

county," and by striking out the words "by commission under the great seal of the Province" in the second and third lines, and by adding at the end of the said section the words "and any person hereafter appointed to the office of Registrar shall at the time of his appointment hold a certificate equal to a non-professional second class teacher's certificate, and shall hold office during the pleasure of the council." 5

Rev. Stat.
c. 133, s. 12
amended.

5. Section 12 of the said Act is amended by striking out the words "Lieutenant-Governor" in the first line and inserting in lieu thereof the words "city or county council" 10 and by striking out the words "by order-in-council" in the first and second lines.

Rev. Stat.
c. 136, s. 13
amended.

6. Section 13 of the said Act is amended by striking out the words "Lieutenant-Governor in Council" in the fifth line and inserting in lieu thereof the words "city or county 15 council" and by striking out the words "order-in-council in that behalf as aforesaid" at the end of subsection one of the said section and inserting in lieu thereof the words "by by-law of the city or county council."

Rev. Stat.
c. 136, s. 20
amended.

7. Section 14 of the said Act is amended by striking out 20 the words "with the approval of the Lieutenant-Governor in Council" in the third and fourth lines.

Rev. Stat.
c. 136, s. 17
amended.

8. Section 17 of the said Act is amended by striking out all the words therein down to and including the word "fit" in the third line and by striking out the words "Lieutenant- 25 Governor in Council" in the fourth and fifth lines, and inserting in lieu thereof the words "city or county council."

Rev. Stat.
c. 136, s. 18,
subs. 1
amended.

9. Subsection 1 of section 18 of the said Act is amended by striking out the words "Provincial Secretary" in the third and seventy lines, and inserting in lieu thereof the 30 words "city or county council"

Rev. Stat.
c. 136, s. 20
amended.

10. Section 20 of the said Act is amended by striking out the words "Provincial Secretary" in the fourth line and inserting in lieu thereof the words "clerk of the city or county 35 council."

Rev. Stat.
c. 136, s. 21
subs. 1.

11. Subsection 1 of section 21 of the said Act is amended by striking out the words "Lieutenant-Governor" in the last line of the said subsection and inserting in lieu thereof the words "council of city or county in which the office is 40 situated."

Rev. Stat.
c. 136, s. 22
amended.

12. Section 22 of the said Act is amended by striking out the words "Provincial Secretary" in the last line and inserting in lieu thereof the words "council of the city or county."

13. Subsection 2 of section 13 of the said Act is amended by striking out the words "other than a consulting practice" in the seventh and eighth lines. Rev. Stat.
c. 136, s. 23,
subs. 2.

14. Section 25 of the said Act is amended by striking out the words "Lieutenant-Governor in council" in the sixth line and inserting in the lieu thereof the words "council of the city or county." Rev. Stat.
c. 136, s. 25,
subs. 2
amended.

15. Subsection 1 of section 27 the Act is amended by striking out the words "registrar or his deputy" in the second line and inserting in lieu thereof the words "registrar and his deputy." Rev. Stat.
c. 136, s. 26,
subs. 1
amended.

16. Section 34 of the said Act is amended by striking out the words "Her Majesty's Attorney-General of Ontario" in the sixth line and inserting in lieu thereof the words "city or county council" and by striking out the words "Attorney-General" in the seventh and eighth lines and inserting in lieu thereof the words "city or county council." Rev. Stat.
c. 136, s. 84
amended.

17. Section 124 of the said Act is amended by striking out the words "Lieutenant-Governor" in the third lines and inserting in lieu thereof the word "inspector." Rev. Stat.
c. 136, s. 124
amended.

18. The auditors of the county or city shall annually at the time of making the final audit of the accounts of the city or county for the year, audit all books kept in connection with the registry office. Auditors of
county or city
shall audit
books of
registry office.

19. Notwithstanding anything in *The Registry Act* contained the registrar for every county or part of a county forming a registry division, and the registrar of every city forming a registry division shall be paid a salary. The amount of such salary shall be regulated by by-law of the county or city council. Registrars to
be paid by
salary, amount
to be fixed by
county or city
council.

20. Every registrar shall weekly transmit to the treasurer of the county or city the fees received by him during the preceeding week, and such fees shall be applied to the exclusive use of the county or city. Registrar to
transmit fees
weekly to
county or city
treasurer.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

Act to amend The Registry Act.

First Reading, 16th February, 1889.

Mr. KRIBS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to improve the Laws respecting Public
Schools.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Section 8 of *The Public Schools Act* is repealed and the
5 following substituted therefor :—

Rev. Stat.
c. 292, s. 8,
repealed.

8. (1) The school corporation of any municipality or section
in which there is no high school shall have power to establish in
connection with the public or separate school over which it has
jurisdiction, such courses of study in addition to the courses
10 already provided for the fifth form of public schools as may be
approved by the regulations of the Education Department.
The classes established under such courses shall be known as
“ Continuation Classes.”

Continuation
classes where
there is no
high school.

(2) No pupil shall be admitted to the course prescribed for
15 continuation classes who has not passed the entrance examina-
tion to a high school or some higher examination, or whose
qualifications for admission has not been approved by the
principal of the school and the public school inspector of the
district in which the school is situated.

Qualification
for continua-
tion classes.

(3) Non-resident pupils and all other pupils who have com-
pleted the course of study prescribed for the fifth form of pub-
lic schools whether resident or non-resident, may be charged
20 such fees as the trustees may deem expedient.

Fees of pupils.

Qualification
of principals.

(4) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the Entrance examination shall be the holder of at least a first-class certificate. 5

Legislative
and county
grants.

(5) The Minister of Education shall apportion to any school' conducting continuation classes, such sums of money as may be appropriated by the legislature subject to the regulations of the Education Department. The municipal council of any county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class and such further sums as the said municipal council may deem expedient. 10 15

Rev. Stat.
c. 292, s. 14,
amended.

2. Section 14 of *The Public Schools' Act* is amended by adding thereto the following sub section :—

Clerk to sup-
ply list of
school voters.

(9) It shall be the duty of the municipal clerk to supply a list of the persons qualified to vote in any school section when required by the board of trustees or by the public school inspector in the case of any investigation or dispute with regard to the election of a school trustee. 20

Rev. Stat.
c. 292, s. 34,
amended.

3. Section 34 of the said Act is amended by adding thereto the following sub-section :—

Fences around
school
property.

(3) It shall not be necessary for the trustees to build a wall or fence around the school premises in any municipality in which a by-law has been passed by the municipal council, authorizing the removal of the fences along public highways. 25

Rev. Stat.
c. 292, s. 43,
subs. 11,
amended.
Reconsidera-
tion of union
school section
award.

4 Section 43 of the said Act is amended by adding to sub-section 11 thereof the following words : 30

Provided always that two-thirds of the rate-payers of any union school section may, at the expiration of three years from the date of the formation of such union section, petition the municipal council or councils concerned for a re-consideration of any award for the formation of any union school section made under this Act, and such petition shall be taken in lieu of the petition or petitions for the formation, alteration or dissolution of the union school section concerned, referred to in sub-section 1 of section 42. 35

Rev. Stat.
c. 292, s. 52,
amended.

5. Section 52 of the said Act is amended by adding thereto the following sub-section 3 : 40

Alteration of
school bound-
aries not to
affect unions.

(3) The power to form a union school section shall in no way be restricted by any by-law passed by a municipal council for the alteration of the boundaries of one or more sections in any township within the jurisdiction of such council. 45

6. Section 58 of *The Public School Act* is amended by adding the following sub-section:

Rev. Stat.
c. 292, s. 58,
amended.

(6) In all urban municipalities not divided into wards or in which wards have been abolished under *The Municipal Act*, the school authorities may by resolution reduce the number of trustees constituting the public school board to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect. Any reduction so approved shall not come into operation until the close of the school year. The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual meeting, and thereafter three trustees shall be elected by the ratepayers of the whole municipality each year.

Election of
trustees where
wards
abolished.

7. Sub-section 1, of section 79 of the said Act is hereby repealed and the following substituted in lieu thereof:—

Rev. Stat.⁴
c. 292, s. 79,
subs. 1.

79.—(1) The public school inspector or inspectors for the county, and the inspector of any city within the geographical boundaries of the county, or of any town separated from the county, shall constitute a board of examiners for the purpose of examining candidates for teachers third-class certificates, and for such other purposes as are prescribed by this Act. Where the board so constituted would consist of less than three members, the county council shall in addition appoint one or more teachers holding first-class certificates of qualification, to be members of said board, so as to constitute a board of three examiners. The members so appointed shall continue in office till their successors are appointed: the board shall hold, at least, one examination each year, and a majority shall form a quorum.

repealed.
County board
of examiners
for third class
certificate.

8. Section 82 of the said Act is amended by adding thereto the following sub-section:

Rev. Stat.
c. 292, s. 82,
amended.

(13) The municipal council of every county and the public school board of every city shall have power to appoint an assistant inspector in every county or city where the inspector, by reason of age or infirmity, has become incapacitated for fully discharging the duties of his office, and in such cases it shall be lawful for the municipal or school corporation concerned to apply towards the payment of the salary of such assistant a portion of the grant made by the county council or city towards the inspection of schools, or to supplement the same by further grants, as may be deemed expedient.

Appointment
of assistant
inspectors in
counties and
cities.

9. The Education Department shall have power to call for competitive plans of school buildings with all modern improvements suitable for schools of from one to four teachers, and to appoint a board of not more than three architects to examine such plans and to report with respect to the same to the Minister of Education.

Competition
in plans for
school build-
ings.

Appointment
of instructors
in agriculture.

10.—(1) The council of every municipality may, subject to the regulations of the Education Department, employ one or more persons holding the degree of Bachelor of Science of Agriculture or a certificate of qualification from the Ontario Agricultural College, to give instruction in agriculture in the separate, public and high schools of the municipality, and the council shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith. Such course of instruction shall include a knowledge of the chemistry of the soil, plant life, drainage, the cultivation of fruit, the beautifying of the farm, and generally all matters which would tend to enhance the value of the products of the farm, the dairy and the garden. 5 10

(2) The trustees of any public, separate or high school or any number of boards of such trustees, may severally or jointly engage the services of any person qualified as in the preceding section for the purpose of giving similar instruction to the pupils of their respective schools, providing always that such course of instruction shall not supersede the instruction of the teacher in charge of the school, as required by the regulations of the Education Department. 15 20

Course in agriculture to be open to all residents.

(3) As far as practicable, the course of lectures in agriculture by such temporary instructor shall occupy the last school period of each afternoon and shall be open to all residents of the school section or municipality. 25

Preamble.

11 Whereas the majority of the school houses in the islands of Manitoulin and St. Joseph will require to be renewed within a few years; and, whereas, owing to the severity of the winter, many of the school children on these islands are unable to attend school with comfort or regularity; and, whereas, many of the sections are too weak to support a school with proper efficiency; and, whereas, by a re-arrangement of the sections, coupled with provision for the transportation of the pupils to and from school, the interests of the ratepayers and the pupils would be advanced, it is hereby enacted:— 30 35

Commission to readjust school sections in Manitoulin and St. Joseph.

1 That the Lieutenant-Governor-in-Council may appoint a commission of not more than three persons, whose duty it shall be to re-arrange the school sections of said islands, having regard to the settlements and the facilities for transportation in order that the number of sections may be reduced, and the pupils conveyed from their homes to school in the most convenient manner. 40

Publication of report and voting thereon.

(2) On the receipt of the report of the commission, the Lieutenant-Governor-in-Council may cause the same to be published in one or more newspapers in said islands, and on a day to be fixed by the said Lieutenant-Governor, the ratepayers shall vote "yea" or "nay" on said report. 45

(3) If a majority of the ratepayers vote "yea," then the boundaries of the section so settled shall be the legal boundaries of the school sections of the said islands from and after the 25th day of December next following such vote, until altered as provided by *The Public Schools' Act*.

Adoption of report and re-arrangement of sections.

Rev. Stat. c. 292.

(4) The ratepayers of the sections so formed shall, on the date fixed by *The Public Schools' Act* for the annual meeting of rural sections, meet and elect three trustees for the sections so formed as in the case of the organization of new sections under *The Public Schools' Act*.

Rev. Stat. c. 292.

(5) It shall be the duty of the trustees in the case of all sections formed as herein provided, in addition to the other duties imposed by *The Public Schools' Act*, to provide for the transportation of all pupils to and from school, who reside more than one-half mile from such school, and the trustees shall have power to levy and collect the cost of such transportation as other expenses of the section are levied and collected.

12. The trustees of any public school in the unorganized townships of the territorial districts of Algoma, Nipissing, Parry Sound and Muskoka may issue debentures, for the purchase of a school site and the erection of a school house payable in ten equal annual instalments, or such other sums as the trustees may deem expedient, providing always that the proposal to issue such debentures has been sanctioned, by resolution, at a special meeting of the ratepayers of the section; such debentures shall be signed by the trustees of the section and sealed with the corporate seal, and shall be a charge upon the assessable property of the school section. The debentures shall, as near as may be, comply with Form A prescribed by *The Public Schools' Act*.

Issuing debentures for school sites and houses in certain districts.

Rev. Stat. c. 292.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to improve the Laws respecting
Public Schools.

First Reading, 16th February, 1899.

Mr. Ross.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 118]

BILL.

[1899.

An Act to improve the Laws respecting Public Schools.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1 Section 8 of *The Public Schools Act* is repealed and the following substituted therefor:—

Rev. Stat.
c. 292, s. 8,
repealed.

8. (1) The school corporation of any municipality or section in which there is no high school shall have power to establish in connection with the public or separate school over which it has jurisdiction, such courses of study in addition to the courses already provided for the fifth form of public schools as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

Continuation
classes where
there is no
high school.

(2) The trustees of any number of school corporations, whether of public or separate schools, may, by mutual agreement, determine that continuation classes shall be conducted in one only of the schools under the jurisdiction of the corporations entering into such agreement, and in all such cases the trustees shall have the same power to provide, by rates levied on the taxable property of their respective sections, for the tuition of pupils attending such continuation classes as they possess under *The Public or Separate School Act*, for the tuition of pupils attending the schools under their immediate jurisdiction.

Grouping of
schools.

Qualification
for continua-
tion classes.

(3) No pupil shall be admitted to the course prescribed for continuation classes who has not passed the entrance examination to a high school or some higher examination, or whose qualifications for admission has not been approved by the principal of the school and the public school inspector of the district in which the school is situated.

Fees of pupils.

(4) Non-resident pupils and all other pupils who have completed the course of study prescribed for the fifth form of public schools whether resident or non-resident, may be charged such fees as the trustees may deem expedient.

Qualification
of principals.

(5) Any teacher who at the date of this Act, holds the position of principal of any school in which a continuation class has been established shall be deemed a qualified teacher of such school, but every teacher appointed principal after the date of this Act whose classes consist entirely of pupils who have passed the Entrance examination shall be the holder of at least a first-class certificate.

Legislative
and county
grants.

(6) The Minister of Education shall apportion to any school, conducting continuation classes, such sums of money as may be appropriated by the legislature subject to the regulations of the Education Department. The municipal council of any county shall pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class and such further sums as the said municipal council may deem expedient.

Rev. Stat.
c. 292, s. 14,
amended.

2. Section 14 of *The Public Schools' Act* is amended by adding thereto the following sub-section :—

Clerk to sup-
ply list of
school voters.

(9) It shall be the duty of the municipal clerk to supply a list of the persons qualified to vote in any school section when required by the board of trustees or by the public school inspector in the case of any investigation or dispute with regard to the election of a school trustee.

Rev. Stat.
c. 292, s. 34,
amended.

3. Section 34 of the said Act is amended by adding thereto the following sub-section :—

Fences around
school
property.

(3) It shall not be necessary for the trustees to build a wall or fence around the school premises in any municipality in which a by-law has been passed by the municipal council, authorizing the removal of the fences along public highways.

Rev. Stat.
c. 292, s. 43,
subs. 11,
amended.
Reconsidera-
tion of union
school section
award.

4 Section 43 of the said Act is amended by adding to sub-section 11 thereof the following words :

Provided always that two-thirds of the rate-payers of any union school section may, at the expiration of three years from the date of the formation of such union section, petition the municipal council or councils concerned for a re-consideration of any award for the formation of any union school section

made under this Act, and such petition shall be taken in lieu of the petition or petitions for the formation, alteration or dissolution of the union school section concerned, referred to in sub-section 1 of section 42.

5. Section 52 of the said Act is amended by adding thereto the following sub-section 3 :

Rev. Stat.
c. 292, s. 52,
amended.

(3) The power to form a union school section shall in no way be restricted by any by-law passed by a municipal council for the alteration of the boundaries of one or more sections in any township within the jurisdiction of such council.

Alteration of
school bound-
aries not to
affect unions.

6. Sub-section 3 of Section 58 of *The Public School Act* is amended by ~~inserting~~ after the words "closing the poll" in the eighth line thereof the words "the mode of receiving the resignation of persons nominated for the office of school trustee before a poll is taken."~~1~~

Rev. Stat.
c. 292, s. 58,
amended.

~~1~~Section 58 of *The Public School Act* is further amended by adding the following sub-section :

Rev. Stat.
c. 292, s. 58,
amended.

~~1~~(6) In towns and incorporated villages the trustees may, by resolution, limit the number of trustees constituting the public school board to six provided that at least one month's notice was given of the intention to consider a resolution to that effect. When such resolution has been adopted the election for school trustees shall thereafter be by vote of the electors of the whole municipality. Any reduction so approved shall not come into operation until the close of the school year. The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual meeting, and thereafter three trustees shall be elected by the ratepayers of the whole municipality each year to fill the place of the same number retiring by rotation annually.~~1~~

Election of
trustees where
wards
abolished.

7. Sub-section 1, of section 79 of the said Act is ~~1~~amended by inserting after the word "county" in the third line the words "including the inspector or inspectors of the county town or of any town separated from the county."~~1~~

Rev. Stat.
c. 292, s. 79,
subs. 1,
repealed.

8. Section 82 of the said Act is amended by adding thereto the following sub-section :

Rev. Stat.
c. 292, s. 82,
amended.

(13) The municipal council of every county and the public school board of every city shall have power to appoint an assistant inspector in every county or city where the inspector, by reason of age or infirmity, has become incapacitated for fully discharging the duties of his office, and in such cases it shall be lawful for the municipal or school corporation concerned to apply towards the payment of the salary of such assistant a portion of the grant made by the county council or city towards

Appointment
of assistant
inspectors in
counties and
cities.

the inspection of schools, or to supplement the same by further grants, as may be deemed expedient.

Competition
in plans for
school build-
ings.

9. The Education Department shall have power (a) to call for competitive plans of school buildings with all modern improvements suitable for schools of from one to four teachers, and to appoint a board of not more than three architects to examine such plans and to report with respect to the same to the Minister of Education; ~~and~~ (b) to affiliate one or more of the public schools in any city in which a Normal School is situated, with such Normal School for practice in teaching by Normal School students, and (c) to appropriate out of moneys voted by the Legislature for public and separate schools, a sum not exceeding \$5 for every school in which the regulations of the Department as to equipment, ventilation, heating, lighting and the care of the premises generally have been complied with. ~~and~~

Appointment
of instructors
in agriculture.

10.—(1) The council of every municipality may, subject to the regulations of the Education Department, employ one or more persons holding the degree of Bachelor of the Science of Agriculture or a certificate of qualification from the Ontario Agricultural College, to give instruction in agriculture in the separate, public and high schools of the municipality, and the council shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors, and all other expenses connected therewith. Such course of instruction shall include a knowledge of the chemistry of the soil, plant life, drainage, the cultivation of fruit, the beautifying of the farm, and generally all matters which would tend to enhance the value of the products of the farm, the dairy and the garden.

(2) The trustees of any public, separate or high school or any number of boards of such trustees, may severally or jointly engage the services of any person qualified as in the preceding section for the purpose of giving similar instruction to the pupils of their respective schools, providing always that such course of instruction shall not supersede the instruction of the teacher in charge of the school, as required by the regulations of the Education Department.

Course in agri-
culture to be
open to all
residents.

(3) As far as practicable, the course of lectures in agriculture by such temporary instructor shall occupy the last school period of each afternoon and shall be open to all residents of the school section or municipality.

Commission to
readjust
school sections
in Manitoulin
and S. Joseph.

~~and~~ 11.—(1) On the report of any Public School Inspector that the attendance at the schools in the outlying and sparsely settled portions of his inspectorate is so small as to justify the consolidation of two or more of such sections with a view to the transportation of the pupils to some central school there-

after to be determined upon^{ed} the Lieutenant-Governor-in-Council may appoint a commission of not more than three persons, ^{of} whom the Public School Inspector shall be one, ^{whose} duty it shall be to re arrange *such* school sections, having regard to the settlements and the facilities for transportation in order that the number of sections may be reduced, and the pupils conveyed from their homes to school in the most convenient manner.

(2) On the receipt of the report of the commission, the Lieutenant Governor-in-Council may cause the same to be published in ^{the} sections to be affected by such consolidation in such manner as may be deemed expedient^{ed} and on a day to be fixed by the said Lieutenant-Governor, the ratepayers shall vote "yea" or "nay" on said report.

Publication of report and voting thereon.

(3) If a majority of the ratepayers vote "yea," then the boundaries of the section so settled shall be the legal boundaries the school sections *concerned* from and after the 25th day of December next following such vote, until altered as provided by *The Public Schools' Act*.

Adoption of report and re-arrangement of sections.

Rev. Stat. c. 292.

(4) The ratepayers of the sections so formed shall, on the date fixed by *The Public Schools' Act* for the annual meeting of rural sections, meet and elect three trustees for the sections so formed as in the case of the organization of new sections under *The Public Schools' Act*.

Rev. Stat. c. 292.

(5) It shall be the duty of the trustees in the case of all sections formed as herein provided, in addition to the other duties imposed by *The Public Schools' Act*, to provide for the transportation of all pupils to and from school, who reside more than one-half mile from such school, and the trustees shall have power to levy and collect the cost of such transportation as other expenses of the section are levied and collected.

12. The trustees of any public school in the unorganized townships of the territorial districts of Algoma, Nipissing, Parry Sound and Muskoka may issue debentures, for the purchase of a school site and the erection of a school house payable in ten equal annual instalments, or such other sums as the trustees may deem expedient, providing always that the proposal to issue such debentures has been sanctioned, by resolution, at a special meeting of the ratepayers of the section; such debentures shall be signed by the trustees of the section and sealed with the corporate seal, and shall be a charge upon the assessable property of the school section. The debentures shall, as near as may be, comply with Form A prescribed by *The Public Schools' Act*.

Issuing debentures for school sites and houses in certain districts.

Rev. Stat. c. 292.

13. Section 100 of the said Act is amended by adding thereto the following:

~~27~~ Provided further that any journalist or the publisher of any periodical who may be elected Public School Trustee shall not by reason of the publication of any advertisement in the regular course of business in any newspaper or periodical of which such trustee is proprietor or in which he is the holder of any shares or stock, be deemed to be disqualified to serve as School Trustee. ~~28~~

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to improve the Laws respecting
Public Schools.

First Reading, 16th February, 1899.

Second Reading, 2nd March, 1899.

*(Reprinted as amended in Committee of
Whole.)*

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 119.]

BILL.

[1899.

An Act to amend The Assessment Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Paragraph 26 of section 7 of *The Assessment Act* is
5 amended by striking out the figures “\$700” where they occur
in the second line of said paragraph, and inserting in lieu
thereof the figures “\$1,000.” Rev. Stat.
c. 224 s. 7,
subs. 26
amended.

2. Clause “a” of the paragraph 26 of the said section is
amended by striking out the figures “\$700” where they occur
10 in the second line of the said section, and inserting in lieu
thereof the figures “\$1,000.” Rev. Stat.
c. 224, s. 7,
par. 26
amended.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to amend The Assessment Act.

First Reading. 16th February, 1899.

Mr. MACNISH.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 120.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

Subsection 1 of section 76 of *The Municipal Act* is
5 amended by striking out all the words of the said subsection
after the word "leasehold" in the twenty-sixth line thereof.

Rev. Stat.
c. 223, s. 76,
qualification
for municipal
council.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 16th February, 1899.

Mr. MACNISH.

TOKONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 121.]

BILL.

[1899.

An Act to amend The Judicature Act.

HER MAJESTY by and with the advice and consent of
the Legislature of Ontario, enacts as follows:—

1. Sub-section 4 of section 172 of *The Judicature Act* is Rev. Stat.,
c. 51, s. 172,
sub 4
5 amended by adding thereto the following:—"This subsec-
tion shall not apply to any such officer or clerk acting as such
examiner at the time of the passing of this substitution."

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Judicature Act.

First Reading, 17th February, 1899.

Mr. GERMAN.

TOPONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 122.]

BILL.

[1899.

An Act to amend The Municipal Water-works Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 5 1. Section 29 of *The Municipal Water-works Act* is amended by striking out the first six lines thereof and inserting in lieu thereof the words, "The corporation shall have power and authority to supply water upon special terms to any corporation or person, whether resident without or within the municipality, and may exercise all powers necessary to the carrying out of their agreement with such corporation or person, including powers to construct, erect and maintain all pipes and mains requisite for the undertaking and for conveying and distributing water to such corporation or person in, upon and through
10 any highway lying between any of their reservoirs, water works, pipes and mains and the lands or premises of the corporation or person to be supplied with water. The said corporation may also from"
- Rev Stat., c.
235, s 29
amended,

No. 122.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend The Municipal Water
Works Act.

First Reading, , 1899.

MR. THOMPSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 123.]

BILL.

[1899.

An Act to amend The Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 5 1. Section 52 of *The Ontario Voters' Lists Act* is amended by inserting at the end thereof the following words:—"Pro-
vided, however, that if in the opinion of the council it is not
necessary to have separate sittings of the court for hearing
complaints against or in respect of the voters' lists for each
10 ward or sub-division, but that the voters' lists for one or
more wards or sub-divisions thereof, may be heard together,
the notice hereinbefore provided for may be given for such
one or more wards or sub-divisions thereof, and the proceed-
ings may thereafter be taken in the same manner as if a
15 separate sitting was held for each ward or sub-division of a
ward in the city: and provided also that if the final revision
of the assessment roll for any ward or sub-division of a
ward is not completed by reason of appeals therefrom to a
county judge, which appeals only affect the question of the
20 value of property in such ward or sub-division, and not the
person entitled to be assessed therefor, the proceedings for
the preparation of the voters' lists may take place as if the
final revision of the assessment roll of such ward or sub-
division had been completed."

Rev. Stat. c.
75, s. 2,
amended.

Making up
voters' lists
for one or
more wards or
sub-divisions
together.

BILL.

An Act to amend The Voters' Lists Act.

First Reading, 17th February, 1899.

Mr. PYNE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 124.]

BILL.

[1899.]

An Act to amend The Ontario Election Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

Section 124 of *The Ontario Election Act, Ontario, 1897*, Rev. Stat., c.
5 is amended by striking out the words "where" to "votes" ^{2, s. 124,}
inclusive, in the seventh and eighth lines of said section. ^{amended.}

NO. 124.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL,

An Act to amend The Ontario Election
Act.

First Reading, 17th February, 1899

MR. WARDELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 125.]

BILL.

[1899.

An Act to prohibit Voting by Ballot in Municipal Councils.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever a division is taken in a municipal council
5 either upon the appointment of an officer of the corporation, the election of a warden or other presiding officer of the council
or upon a by-law, resolution or for any other purpose, each
member of the council present voting shall announce his vote
upon the question openly and individually in the council, and
10 the clerk shall record the same; and no vote shall be taken by
ballot or by any other method of secret voting in any municipal council, and every vote so taken shall be void and of no effect.

2. Section 263 of *The Municipal Act* is amended by striking out the words "after two ballots" in the third line of the
15 said section, and inserting in lieu thereof the words, "after the
council has voted twice."

Rev. Stat.,
c. 223, s. 263,
amended.

No. 125.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to prohibit Voting by Ballot in
Municipal Councils.

First Reading, 17th February, 1899.

Mr. PATFULLO.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 126.]

BILL.

[1899.

An Act to amend chapter 213 of the Revised Statutes of Ontario, intituled "An Act Respecting Cemetery Companies.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of Ontario enacts as follows:—

1. Section 2 of chapter 213 of the Revised Statutes of Ontario, intituled "*An Act Respecting Cemetery Companies*," is hereby amended by adding thereto the following subsection as subsection 5 of said section 2. Rev. Stat. c. 213, s. 2, amended.

(5) No cemetery or burial ground whether owned by a company, church vestry, trustees or otherwise shall be established extended or enlarged within the limits of any city. Cemetery, etc., not to be extended or established in city.

And it is hereby enacted and declared that it was the true intent and meaning of subsection 2, of section 2, of said Act that no cemetery or burial ground should be established, extended or enlarged within the limits of any city.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend chapter 213 of the Revised Statutes of Ontario, intituled "An Act respecting Cemetery Companies."

First Reading, 17th February, 1899.

Mr. MARTER.

TORONTO.

PRINTED BY L. K. CAMERON

Printer to the Queen's Most Excellent Majesty.

No. 127.]

BILL.

[1899.

An Act to amend the Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

5 Section 388 of *The Municipal Act* ¹ be amended by striking out the figures “\$20,000” in the third and fourth lines and inserting in lieu thereof the figures “\$5,000.” Rev. Stat. c. 223, s. 388, amended.

No. 127.

2nd Session, 9th Legislature, 62 Vic., 1899

BILL.

An Act to amend The Municipal Act.

First Reading, , 1899.

Mr. WARDELL.

TORONTO.

PRINTED BY L. K. CAMERON

Printer to the Queen's Most Excellent Majesty.

No. 128.]

BILL.

[1899.]

An Act to amend The Ontario Game Protection Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :

1. Section 5 of *The Ontario Game Protection Act* is
5 repealed.
- Rev. Stat., c.
287, s. 5, re-
pealed.
Hunting or
killing of deer
in water.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Ontario (Name Protection) Act.

First Reading, 20th February, 1899.

Mr. REID.
(Addington.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty

An Act respecting Town Councils.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) Notwithstanding anything in *The Municipal Act* Councils, how
5 or in *The Municipal Amendment Act, 1898*, constituted.

- (a) The council of every town having a population of over 7,000 shall consist of a mayor, who shall be the head thereof, and of ten councillors, to be elected by general vote. In towns of over 7,000.
- 10 (b) The council of every town having a population of over 5,000 and not more than 7,000 shall consist of a reeve, who shall be the head thereof, and eight councillors, to be elected by general vote. In towns of more than 5,000 and not more than 7,000.
- 15 (c) The council of every town having a population of over 3,000 and not exceeding 5,000 shall consist of a mayor, who shall be the head thereof, and six councillors, to be elected by general vote. In towns of more than 3,000 and not more than 5,000.
- 20 (d) The council of every town having a population of not more than 3,000 shall consist of a mayor, who shall be the head thereof, and four councillors, to be elected by general vote. In towns of not more than 3,000.

In villages.

(e) The council of every incorporated village shall consist of a reeve, who shall be the head thereof, and four councillors, to be elected by general vote.

In townships.

(f) The council of every township shall consist of a reeve, who shall be the head thereof, and four councillors, who shall be elected by general vote. 5

61 V., c. 23,
s. 2, not to
apply to
towns.

(2) Subsection 71 a of *The Municipal Act* as enacted by section 2 of *The Municipal Amendment Act, 1898*, is repealed so far as the same relates to towns.

Mayors and
reeves to be
elected in
alternate
years after
1900.

2. The mayor of every town and the reeve of every village 10 and township shall be elected in alternate years in the manner provided by *The Municipal Act*, and the mayor of every such town and the reeve of every township and village elected at the next general municipal election shall hold office until the general municipal election to be holden in January, 1902, and 15 thereafter and commencing with the said year the mayor of every such town and the reeve of every village and township shall be elected in alternate years.

Half of council
to retire
annually.

3. One half in number of the councillors of every town, township and village, being those members who receive the lowest 20 number of votes at the general municipal election to be holden in January, 1900, shall retire at the general municipal election to be holden for the year 1901 and the other councillors elected for the year 1900 shall retire at the general municipal election for the year 1902, and thereafter such councillors shall hold 25 office for two years from their respective elections, one half of the council retiring at every general municipal election. In case more than one half in number of the councillors of any such town or of any township or village are returned by acclamation at the municipal election to be held for the year, 30 1900 one half in number shall retire at the municipal election for the year 1901, and the members who shall so retire shall be determined by lot cast by the clerk of the corporation in open council not later than the first day of December, 1899.

Application
of Act.

4. This Act shall apply to the towns hereinbefore mentioned 35 and to every township and village notwithstanding anything contained in any Act of incorporation of other Act, but it shall not affect the councils elected for the present year.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting Town Councils,

First Reading, 20th February, 1899.

Mr. PATTULLO.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 130.]

BILL.

[1899.]

An Act respecting Sureties.

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 1. In this Act "Surety Company" shall mean any incorporated company empowered to grant bonds by way of indemnity. "Surety Company," meaning of.
- 10 2. The Lieutenant-Governor in Council may by order in council direct that the bond of any such surety company named in such order in council may be given as security in all cases where (a) security for costs is ordered to be given by any court in this Province or by any judge or officer of such court, and (b) in all cases where security for costs of appeal and for the prosecution of the appeal is required by any law, rules or practice in force in this Province. Bonds of company may be taken as security on costs.
- 51 3. Every order in council under the provisions of this Act shall immediately after the making thereof be published in the *Ontario Gazette* and shall be laid before the Legislative Assembly within 15 days after its first meeting thereafter. Order in council approving of company to be published in Gazette.
- 20 4. The bond of any such surety company named in such order in council shall alone be sufficient without any other surety joining in such bond, and it shall not be necessary to have any affidavit of justification. Affidavit of justification not required.
- 25 5. Notwithstanding anything hereinbefore contained, any judge or any officer having jurisdiction in the matter, may in his discretion disallow any such bond on a motion made to disallow the same and upon any evidence that may be brought before the said judge. Disallowance of bond on motion.

No. 130.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting Sureties.

First Reading 20th February, 1899.

Mr. Foy.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 131.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Subsection 1 of section 86 of *The Municipal Act* is
5 amended by adding after the word "Municipality" in the
twenty-fifth line thereof the following words "and all resi-
dents of the municipality at the date of the election who are
rated on the last revised assessment roll therein in respect of
personal property of not less than \$400 in value, and have
10 since said the date continuously resided in the said municipality."
2. Subsection 2 of section 216 of the said Act is hereby
repealed.
3. Subsection 1 of section 276 of the said Act is amended
by substituting the word "four" for the word "three" where
15 it first occurs in the third line of the said subsection.
4. Subsection 2 of said section 276 is amended by striking
out the words "ballotted for on the same ballot" in the third
and fourth lines, and by inserting in lieu thereof the following
words: "elected by open vote"; also by substituting the word
20 "three" for the word "four" in the first line thereof.

Rev. Statutes
c. 223, p. 86
amended.
Qualification
of municipal
electors.

Rev. Stat., c.
223, s. 216, sub
s. 2, repealed
Election of
Mayor by
council.

Rev. Stat., c.
223, s. 276,
subs. 1, amen-
ded. Board of
control.

Rev. Stat., c.
223, s. 276,
subs. 2,
amended.
Election of
board by open
vote.

Rev. Stat., c.
223, s. 276,
subs. 3,
amended.
Mayor not to
have second
vote.

5. Subsection 3 of said section 276 is amended by striking out all the words in the said subsection after the word "preside" in the the third line thereof.

Rev. Stat., c.
223, s. 438,
amended.
Limitation of
claims on tak-
ing or injur-
ing lands.

6. Section 438 of the said Act is amended by inserting the words "the real property was so entered upon, taken or used, or" after the word "when" in the second line thereof, and by striking out all the words therein after the word "claimant" in the fifth line thereof. 5

Rev. Stat., c.
222, s. 576,
subs. 3,
repealed.

7. Subsection 3 of section 576 of the said Act is repealed and the following inserted in lieu thereof: 10

By-laws for
acquiring
lands for parks
etc., and con-
version and
disposal of
same.

(3) For acquiring any estate in landed property within or without the city or town for an industrial farm, or for a public park, garden or walk, or for a place for exhibitions; and for the disposal or conversion thereof to other uses of the corporation or for the disposal or conversion of any other property of the corporation dedicated or used for a public park, garden or walk, or for a place for exhibitions when such property or properties is or are no longer required for the purposes for which they may have been so acquired, dedicated or used; and for accepting and taking charge of landed property within or without the city or town dedicated for a public park, garden or walk for the use of the inhabitants of the city or town. 20

Rev. Stat., c.
223, s. 668,
subs. 1,
amended.
Petition for
local improve-
ments.

8. Subsection 1 of section 668 of the said Act is amended by adding at the end thereof the following words: "and after such final determination no name shall be removed from such petition without the consent of the council, or of the committee under whose jurisdiction the petition may come for consideration." 25

Rev. Stat., c.
223, s. 669,
subs. 3,
amended.
Petitions
against local
improve-
ments.

9. Subsection 3 of section 669 of the said Act is amended by adding at the end thereof the following words: "and after such final determination no name shall be removed from the petition unless by the consent of the council or the committee under whose jurisdiction the petition may come for consideration." 30

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to amend The Municipal Act.

First Reading, 20th February, 1899.

Mr. FOY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Registry Act.

WHEREAS the municipal council of the County of Perth Preamble
 have, by their petition, represented that the division of
 the said County of Perth into North and South Ridings thereof
 for the purposes of registration of titles is inconvenient to the
 5 people of the north and south ridings of the said county, and
 is unnecessary, and have prayed that the North and South Rid-
 ings of the said County of Perth be re-united for the purposes
 of the registration of titles, and it is expedient to amend *The*
Registry Act so as to grant the prayer of the petition ;

10 Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. The words “53 Perth, North Riding and the Township of Rev. Stat. c
136, Sched. Q.
amended.
 Logan, 54 Perth, South Riding excepting the Township of
 15 Logan,” appearing in part 2 of schedule Q of *The Registry*
Act, are hereby struck out of the said schedule, and in lieu there-
 of there is hereby inserted between the words “23 Peel” and “24
 Peterborough” the words and figures following, that is to say:
 “23 *u* Perth.” Registry divi-
sions in Perth.

20 2. Upon, from and after the first day of January, A.D. 1901, North and
South Perth
united to form
one registry
division.
 the North and South Ridings of the said County of Perth shall
 be re-united for the purposes of registration of titles, and the
 whole County of Perth shall, upon, from and after the said day

form one such registration division or county. The registry office for the said County of Perth shall be kept in the City of Stratford, in the said county, and appointment of a registrar for the south riding of the said County of Perth shall have no further effect upon, from and after the said day,

5

Registration
to be at Strat-
ford in office
for Perth.

3. Upon, from and after the day last mentioned aforesaid, all memorials, certificates, register books, calendars, instruments, documents, and papers relating to the registration of, or other instruments or documents and papers relating to the registration of, or other instruments or documents affecting 10 real estate in the South Riding of the County of Perth, and registered in the registry office at the Town of St. Marys, or in any way forming part of the records and memorials in the said registry office, shall be transferred to the registry office for the County of Perth, to be kept at the City of Stratford, 15 and shall make and form part of the registrations records and muniments of the said office, and the same shall rank in the order and date of their registration in the said South Riding, as if they had, in such order and date, been registered in the registry office for the said County of Perth, and the registrar 20 of the said county shall have the same powers and duties with respect to them and of all searches, certificates and other matters relating to them, as if the registration of the deeds, instruments and documents to which they relate had been effected in the said registry office in the City of Stratford. 25

Commence-
ment of Act.

4. This Act shall come into force on the first day of January, A.D. 1901.

No. 132.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to amend The Registry Act.

First Reading, 20th February, 1899.

Mr. BROWNE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 133.]

BILL.

[1899.]

An Act to amend The Election Act.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No sheriff, county crown attorney, district crown attorney, clerk of the peace, registrar of deeds, clerk of the county court, clerk of the surrogate court, clerk or bailiff of the division court, license inspector, or registrar, and no official employed in any of the departments of the Government of Ontario or in any provincial prison, hospital, asylum or other institution shall actively engage in any contested election for the Legislative Assembly, either by canvassing, speaking at public meetings or by acting as agent or in any other manner whatsoever on behalf of any candidate at such election

Certain government officials not to take part in election contests.

2. Any person guilty of a violation of the preceding section shall on conviction thereof before a court of competent jurisdiction be liable to a penalty of \$200 and costs and he shall in addition upon such conviction forfeit his office and shall be disqualified from holding any office under the Crown in the Province of Ontario for four years thereafter.

Penalty.

No. 123.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL

An Act to amend The Election Act.

First Reading, 20th February, 1899.

Mr. TUCKER.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 134.]

BILL.

[1899

An Act to amend The Public Libraries Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly, enacts as follows :—

1. Section 25 of *The Public Libraries Act* is hereby amended
by striking out the words “first Monday of May” in the first
5 line thereof, and inserting in lieu thereof “second Monday of
January.”
- Rev. Stat.
c. 232, s. 25,
amended.
Election of
board of
management.

No. 134.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to amend The Public Libraries Act.

First Reading, 21st February, 1899.

Mr. Ross.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Public Libraries Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly, enacts as follows:—

1. Section 25 of *The Public Libraries Act* is hereby amended by striking out the words “first Monday of May” in the first line thereof, and inserting in lieu thereof “second Monday of January.”

Rev. Stat.
c. 232, s. 25,
amended.
Election of
board of
management.

2. Any trustee who has any pecuniary interest, profit, promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null or void, and on the complaint of any ratepayer of the municipality or the remaining trustee or trustees, the County Judge, or if such County Judge is a member of the Board of Trustees, then the Master in Chambers may declare the seat vacant and forthwith notify the appointing body to make a new appointment.

Disqualifica-
tion of
trustees for
certain causes.

3. Notwithstanding anything contained in *The Act respecting Public Libraries* it shall be lawful for any municipal corporation to issue debentures for the purpose of the said Act, subject to the provisions of section 386 of *The Municipal Act*.

Issue of
debentures.

Rev. Stat.
c. 223.

4. Section 1 of this Act shall not take effect until June first, 1899, and the other sections upon the passing thereof.

Commence-
ment of Act.

No. 134.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to amend The Public Libraries Act.

First Reading, 21st February, 1899.
Second Reading, 9th March, 1899.

*(Reprinted as amended in Committee of
the Whole House).*

Mr. ROSS.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 135]

BILL.

[1899.

An Act to amend The Local Courts Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

Subsection 5 of section 5 of *The Local Courts Act* is
5 amended by striking out the word " Ontario " in the fifth line
of the said sub-section.

Rev. Stat. c.
54 s. 5, ss. 5,
amended.

No. 135.

2nd Session, 9th Legislature, 62 Vict. 1898.

BILL.

An Act to amend The Local Courts Act.

First Reading, 22nd February, 1899.

Mr. HOYLE.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 136.]

BILL.

[1899.

An Act respecting Civil Engineers.

WHEREAS by an Act of Parliament of Canada passed at the Session holden in the 50th and 51st years of the reign of Her Majesty Queen Victoria, chaptered 124, the Canadian Society of Civil Engineers was incorporated; and whereas it is deemed necessary to establish qualifications necessary to permit persons to act or practice as civil engineers in the Province of Ontario;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The following expressions in this Act have the meanings hereby assigned to them, unless there is something in the text repugnant to such construction:

(a) The expression "The Society" means the Canadian Society of Civil Engineers.

Interpretation
"The Society."

(b) The expression "The Council" means the council of the said society.

"The Council."

(c) The expression "Corporate Member" means a member or associate member of the said society as defined by the laws.

"Corporate Member."

(d) The expression "Civil Engineer" means any one who acts or practices as an engineer in advising on, in making measurements for, or in laying out, designing or supervising

"Civil Engineer."

the construction of canals, aqueducts, drains, harbors, docks, light-houses, river improvements, dykes, dams, railways, bridges, power plants, waterworks, sewerage works and all hydraulic, municipal, sanitary, electrical, mechanical or other engineering works, when the estimated cost of such works exceeds one thousand dollars.

Persons not qualified under Act not to practice as civil engineers.

2. On and after the first day of July now next no person shall be entitled, within the Province of Ontario, to use the title of civil engineer, or any abbreviation thereof or any name, title or description implying that he is a corporate member of the said society, nor to act or practice as a civil engineer within the meaning of the first section of this Act,

(a) Unless such person is a corporate member of the society or becomes such under the provisions of this Act, or

(b) Unless he is entitled, by some Statute of the Dominion of Canada, of the late Province of Canada or of the Province of Ontario, to use the title of civil engineer ; or

(c) Unless he has been practicing as a civil engineer for at least one year or is a member of the Association of Ontario Land Surveyors at the time of the passing of this Act, and shall have within one year afterwards applied for and received from the board of examiners, as constituted in this Act, a certificate to the effect that he is qualified to become a corporate member of the society. The applicant must send with his application a fee of ten dollars to the secretary of the society.

Persons qualified under Act.

3. Any person, not being a corporate member of the society, who qualifies to become such under the last preceding subsection, may at any time hereafter become a corporate member of the society upon application to the secretary, which application shall be accompanied with the prescribed dues for the year in which such application is made, and until he becomes a corporate member he shall not be subject to dues.

Application for membership.

Board of examiners, appointment of.

4.—(a) A board of examiners consisting of five persons who shall be appointed by the council, shall be constituted to examine candidates for admission to the study and for admission to the practice as civil engineers.

Quorum of board.

(b) Three members of the board of examiners shall constitute a quorum.

Annual meeting of board.

(c) The said board shall meet in the City of Toronto on the first Tuesday in May in each year.

Special meetings.

(d) Special meetings of the board may be called by the chairman.

Appointment of assistants to board.

(e) The council may also appoint competent persons to assist the board of examiners in any of the subjects of examination and shall have the power to fix the expenses and fees to be paid to any of the said examiners.

5. A candidate for admission to study shall :

Students' re-
quisites for
admission.

(a) Give one month's notice to the secretary of the society of his intention to present himself for examination and at the same time shall pay such secretary the sum of twenty dollars as a fee.

(b) Produce satisfactory certificates of good character.

(c) Pass an examination in the following subjects, namely : English grammar and composition, general geography, that of Canada in particular, history of Canada and England, arithmetic, elements of geometry, first four books and deductions, use of logarithms, algebra up to and including quadratic equations, trigonometry up to and including the solution of plane triangles, and such additional subjects as the council may prescribe.

(d) If successful the candidate shall be entitled to a certificate that he has passed such examination.

(e) If the candidate holds a certificate of having been admitted to study as an Ontario Land Surveyor, at the time of the coming into force of this Act, then such certificate shall be accepted in place of the foregoing examination.

(f) If the candidate holds a degree of Bachelor of Applied Science, Bachelor of Arts, Bachelor of Sciences, conferred upon him by any Canadian or British university, or is a graduate from the School of Practical Science, Toronto, or from the Royal Military College of Canada, Kingston, or holds a certificate as Ontario Land Surveyor in this Province, he shall, on making satisfactory proof that he is the person named in such degree or certificate, be entitled, on payment of the above mentioned fee, to receive a certificate permitting him to study.

Candidates
for member-
ship. Requi-
sites to admis-
sion.

6. A candidate for admission as corporate member of the society shall :

(a) Give one month's notice of his intention to present himself for examination, and at the same time, pay the secretary the sum of forty dollars as a fee.

(b) Produce satisfactory certificates of good character.

(c) Establish that he is at least twenty-one years of age.

(d) Establish that, since his admission to study, he has been engaged in the practice of engineering in the office, or in the service of, a corporate member of the society for a period of at least five years, or for a period of two years if he holds a certificate as an Ontario Land Surveyor, or if he has a degree from any college or university in Canada granting degrees or diplomas in applied science where the course of study has not been less than three years, or from the Royal Military College of Canada, Kingston, or from any similar British or foreign college or university satisfactory to the board of examiners. The time occupied during college vaca-

tion in actual engineering work, under the direction of a corporate member of the society shall count in the computation of the term of two years above mentioned.

(e) Pass an examination before the board of examiners of the society on the theory and practice of engineering, and especially in one of the following branches at his option, namely,—railway, municipal, hydraulic, mechanical, mining, electrical or other branch of engineering.

Admission of members of certain other bodies,

7. The council may in its discretion at any time admit to the society as a corporate member, any member in good standing of the Institute of Civil Engineers of Great Britain, of the American Society of Civil Engineers, or of any similar national engineering society, who applies for such admission, and upon payment of the prescribed fees, and upon satisfactory evidence being produced of his status in such society. If the member so admitted intends to continue to practice engineering in this Province, the council may require the applicant to undergo an examination before the board of examiners before admitting him to membership.

Certificates of special qualifications.

8. Any student of the society who has duly completed his service, passed the required examinations and who has otherwise complied with the requirements of this Act and the by-laws of the society shall be entitled to receive a certificate specifying which specialty (if any) in addition to the regular course he has passed in. He will then be entitled to all the privileges of a corporate member of the society and shall be so enrolled by the secretary of the society.

Withdrawal of members on retiring from practice.

9. Any member of the society desiring to give up practice may at any time withdraw, and have his name removed from the registered list of practising engineers, by giving written notice of such desire to the secretary of the society, and thereafter he shall not be liable to the society for any annual dues or other fees, and he may upon notice to the secretary and by paying his annual dues for the year in which the notice is given be entitled to be again enrolled as a corporate member of the society.

Exemption from dues in case of illness, etc.

10. The council may by resolution provide that any member may be exempted from dues for any year through illness or accident or other sufficient cause, upon satisfactory reasons being adduced.

Admission of certain persons neglecting to qualify through illness, etc.

11. The society may by by-law admit to membership any person who, through illness, absence or inadvertence, has omitted or neglected to obtain a certificate of qualification under subsection (c) of section 2 of this Act. The applicant shall present reasons satisfactory to the society for such neglect or omission to qualify, and shall send to the secretary with his application the prescribed fees.

12. It shall be the duty of the secretary of the society to make and keep a correct register of all the persons who are, or who may become, corporate members of the society, and of all persons who have qualified to become members, with the address of each, and date of admission to membership or of qualification, such register to be kept in accordance with the by-laws of the society. This register shall be published by the society and a copy mailed to each member by the secretary on or before June 30th of each year.

Register of members.

13. No person practising the profession of civil engineer, and not entitled to do so under this Act, shall recover before any court of justice any sum of money for the professional service rendered in such practice.

Persons practising without qualification not to recover fees.

14. Any person who takes or makes use of any name, title, or designation as mentioned, or assumes the title of civil engineer, or practises as a civil engineer without being entitled thereto by this Act, shall be liable upon summary conviction to a fine not exceeding \$25 for the first offence and not exceeding \$100 for every subsequent offence.

Penalty for practising when unqualified.

15. Nothing in this Act shall be deemed to encroach upon the rights and privileges conferred upon Ontario Land Surveyors by any Act of the Legislature of this Province.

Ontario Land Surveyors not effected.

16. The secretary shall remove from the register the name of any member who has been convicted of any criminal offence, or any offence punishable under the laws of this Province, and the person whose name has been so removed shall cease to be a member of the society.

Removal of names from register on conviction, etc.

Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting Civil Engineers.

First Reading, 22nd February, 1899.

Mr. RUSSELL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 137.]

BILL.

[1899.

An Act respecting County Councils.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The council of every county shall be composed of the reeves of every town not separated from the county for municipal purposes and of every township and village within the limits of the county.

County councils how composed.

2. Sub sections 1 and 2 of section 41 of *The Municipal Act* are repealed, and the following substituted therefor :—

Rev. Stat. c. 223, s. 41, sub-secs. 1, 2 repealed.

(1) Where the census returns taken under a statute or under the authority of a by-law of the council of any united counties show that the junior county of the union contains 17,000 inhabitants or more, then if a majority of the reeves of such county, who shall, for the purposes of this section, have the number of votes hereinafter given to reeves in county councils, do in the month of February pass a resolution affirming the expediency of the county being separated from the union, and if in the month of February in the following year such majority transmit to the Lieutenant-Governor a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the junior county such as to call for the separate establishment of courts and other county institutions, he may, by proclamation setting forth the facts, constitute the reeve in that county a provisional council, and in the proclam-

Separation of junior county from union.

ation appoint a time and place for the meeting of the council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the county town.

(2) In case the returns mentioned in the preceding sub- 5
sections show that the junior county contains less than twenty-five thousand, but more than seventeen thousand inhabitants, then two-thirds in number of the votes of members in the county council representing those municipalities which constitute such junior county may take the same proceedings 10
for a separation from the union as a bare majority is empowered to take in cases provided for under the said preceding sub section.

Rev. Stat.
c. 223,
ss. 67-68, 77,
81, 82, 94, 111,
132-135, 160,
168 sub-s. 2,
186-183, 191,
205, 217, 261,
263 repealed.

3. Sections 66, 67, 68, 77, 81, 82, 94, 111, 132 to 135 inclusive, 160, sub section 2 of section 168, sections 180 to 183 15
inclusive, sections 191, 205, 217, 261 and 263 of *The Municipal Act* are repealed.

Reeves in
towns not
separated
from the
county.

4. Notwithstanding anything in section 71 of *The Municipal Act*, or section 2 of *The Municipal Amendment Act, 1898*, the council of every town not separated from the county 20
for municipal purposes shall consist of a mayor, who shall be the head thereof, and a reeve, and the number of councillors or aldermen as the case may be provided for in the said section 71 of *The Municipal Act* and the said section 2 of *The Municipal Amendment Act, 1898*. 25

Rev. Stat.
c. 223, s. 75
repealed.

5. Section 75 of *The Municipal Act* is repealed and the following substituted therefor :

Council of
provisional
county.

"The reeves who represent the local municipalities constituting a junior county shall be ex officio members of the provisional council of such junior county, and shall together 30
with the representatives of any separated town situate in the said junior county constitute the provisional council thereof."

Rev. Stat.
c. 223, s. 167,
amended.

6. Section 167 of the said Act is amended by striking out the words "county council" in the third and fourth lines thereof. 35

Rev. Stat.
c. 223, s. 196,
amended,

7. Section 196 of the said Act is amended by striking out all the words therein after the word "Act" in the fifth line thereof down to and including the word "Act" in the eighth line thereof.

Election of
warden.

8. The reeves of local municipalities situated within each 40
county council shall at their first meeting after a general municipal election at which a majority of the full council are present and after making their declarations of office and of qualification, organize themselves as a council and elect one of themselves to be warden, and the warden so elected shall hold 45

office until the new council is organized as in this section provided. At every such election the clerk of the council shall preside, and if there is no clerk the members present shall select one of themselves to preside and the person so elected
5 may vote as a member.

9. Upon the election of warden and upon a vote being taken on any other question arising in the county council every reeve present shall be entitled to one vote, and in case the municipality which he represents had on the last revised
10 voters' list the names of 500 persons entitled to vote at municipal elections, then he shall have one additional vote and for every additional 500 names on such revised voters' list he shall have a further additional vote.

10. Where an equal number of votes are cast for and
20 against a particular candidate for the office of warden, the reeve representing the municipality having the largest equalized assessment in the county shall have one vote in addition to those which he is entitled to under the preceeding section of this Act and in case the equalized assessment of two
25 municipalities shall be equal the clerk or person presiding at the election of warden shall in open council draw lots to ascertain which one of the reeves of such municipalities shall give the said additional or casting vote.

11. This Act shall come into force and take effect at the
30 general municipal elections to be held for the year 1900, but shall not affect county councils at present in office until after the said elections have been held and reeves elected under this Act.

Reeves to have additional votes according to population.

Equality of votes in election of warden.

Commencement of Act.

No. 137.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act Respecting County Councils.

First Reading, 22nd December, 1899.

Mr. CARNEGIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 138.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Subsection 2 of section 27 of *The Municipal Act* is
5 hereby amended by adding at the end of said section the fol-
lowing words:—"Provided that no such town shall in any
case be allowed the value of any interest it may have in county
property unless the council of the county in which said town
is situate ratifies and confirms the by-law of such town, with-
10 drawing from the county such ratification and confirmation to
be made by by-law of the council of such county."

Rev. Stat. c.
223, s. 27,
subs. 2,
amended.

Town separat-
ing without
consent of
county.

2 Subsection 1 of section 58 of *The Municipal Act* is
hereby amended by adding at the end of the said subsection the
following words:—"Provided that in no case shall such city,
15 town or village be entitled to receive from or be paid by the
county any sum whatever for the value of the interest which
at the time of making such addition the added territory had
in the property and assets of the county, unless the county
had passed a by-law ratifying and approving of such annexa-
20 tion of territory to such city, town or village."

Rev. Stat. c.
223, sec. 58,
subs. 1,
amended.

Separation of
territory from
county with-
out consent
of council.

3. Section 475 of *The Municipal Act* is hereby amended
by inserting after the word alderman in the first line thereof
the following words, "or member of a county council."

Rev. Stat. c.
223, s. 475,
amended.

County coun-
cillor acting
as justice of
the peace.

Rev. Stat. c.
223, s. 524,
amended.

County may
accept deeds
from inmates
of houses of
industry, etc.

4. Section 524 of *The Municipal Act* is amended by adding thereto the following subsection :—

(8) In case any person who is an inmate of such house of industry is possessed of any real or personal property and is desirous of transferring such real or personal property to the county having control of such house of industry as payment or compensation for his maintenance for such time as may be agreed upon, such person may convey or transfer such real or personal property to such county and such county may legally receive and hold such real or personal property for county purposes and may dispose of such real or personal property in such manner as to the council of such county may seem proper. 5 10

Rev. Stat. c.
223, s. 526,
amended.

Committals to
house of indus-
try.

5. Subsection 1 of section 526 of *The Municipal Act* is hereby amended by striking out the following words :—“ Any two of Her Majesty’s justices of the peace or of the inspector appointed as aforesaid ” in the first and second lines and inserting in lieu thereof the following words “ any member of the county council or any person authorized for that purpose by by-law of the county council.” 15 20

Rev. Stat. c.
223, s. 583,
s. 14,
amended.

Village by-
laws as to
hawkers and
pedlars.

6. Paragraph (c) of subsection 14 of section 583 of *The Municipal Act* is hereby amended by adding after the word “ purpose ” in the second line of said paragraph the words :—“ and any incorporated village.”

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd February, 1899.

MR. RICHARDSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 139.]

BILL.

[1899.]

An Act to amend The High Schools Act,

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :

1. Sub-section 6 of section 32 of *The High Schools Act* is
5 hereby repealed.

Rev. Stat. c.
293 s. 32 suba.
61 repealed,
maintenance
of county
pupils at city
or town high
school.

No. 139.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to amend The High Schools Act.

First Reading 22nd February, 1899.

Mr. RICHARDSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to confirm By-law No. 880 of the Town of Owen Sound, and to authorize the issue of Debentures thereunder, and to confirm an Agreement made between the said corporation and John George Hay and Archibald Hay.

WHEREAS the corporation of the Town of Owen Sound Preamble.
has by its petition represented that a great loss has resulted to the said town through the destruction by fire of the factory, buildings, plant and machinery belonging to John
5 George Hay and Archibald Hay, and which were used for seven years for the purpose of manufacturing chairs on an extensive scale in said town, and that a large number of the inhabitants of said town have, in consequence of said fire, been deprived of employment; that it is desirable to grant a
10 loan of \$15,000 to the said John George Hay and Archibald Hay for the purpose of assisting them in rebuilding and equipping a chair factory in said town; that for that purpose the municipal council of the said town have prepared a by-law, numbered 880, and are submitting the same for the assent
15 of the electors of said town entitled to vote thereon on the eleventh day of March, 1899; and whereas no other person or persons are engaged in the manufacture of chairs in the said town; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize, ratify and confirm
20 said by-law, intituled "A By-law to aid and assist John George Hay and Archibald Hay in building and operating a chair factory in the Town of Owen Sound," a copy of which

by-law is contained in schedule A. to this Act ; also to legalize, ratify and confirm an agreement made and entered into on the eight day of February, A.D. 1899, between John George Hay and Archibald Hay of the first part, and the said corporation of the Town of Owen Sound of the second part, a copy of which said agreement is contained in schedule B. to this Act ; and whereas it is expedient that the prayer of the said petition should be granted;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

By-law
confirmed.

1. The said by-law number 880 of the corporation of the Town of Owen Sound, intituled as in the preamble to this Act recited, and which said by-law is set out in schedule A. to this Act, (in case the assent of the electors of the said town entitled to vote thereon shall have been obtained thereto) is, when and as soon as the same shall have been duly passed by the municipal council of the said corporation, hereby ratified and confirmed, and declared to be legal, valid and binding to all intents and purposes, and the debentures to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said Town of Owen Sound, and the ratepayers thereof notwithstanding anything contained in any Act to the contrary.

Agreement
confirmed.

2. The said agreement bearing date the eighth day of February, A.D. 1899, made between the said John George Hay and Archibald Hay of the first part and the corporation of the Town of Owen Sound of the second part, which is set forth in schedule B. to this Act is hereby ratified and confirmed, and declared to be legal, valid and binding to all intents and purposes upon the parties thereto.

SCHEDULE A.

BY-LAW No. 880.

A by-law to aid and assist John George Hay and Archibald Hay in building and operating a chair factory in the Town of Owen Sound.

Whereas the said John George Hay and Archibald Hay have been engaged in manufacturing chairs in the said Town of Owen Sound continuously since the year 1892, and whereas their factory, buildings, plant, machinery and stock were destroyed by fire on the thirty-first day of January, 1899.

And whereas in consequence of the said fire the employees of said factory, numbering over two hundred and fifty persons, were thrown out of employment, and whereas the said John George Hay and Archibald Hay are desirous of rebuilding their factory and of having same completed and in running order during the year 1899, and whereas they have applied to the municipal council of the said corporation to aid them by lending them the sum of \$15,000 in accordance with the terms of an agreement hereinafter referred to.

And whereas it is deemed expedient and desirable to loan the said sum of \$15,000 to the said John George Hay and Archibald Hay for said purpose.

And whereas the amount of the whole rateable property of the said Town of Owen Sound according to the last revised assessment roll thereof, being the assessment roll for the year 1898, is \$2,610,944.

And whereas the existing debenture debt of the said Town of Owen Sound amounts to the sum of \$426,989.42, no principal and no interest being in arrear.

Therefore the corporation of the Town of Owen Sound by the council thereof, enacts as follows :

1. It shall and may be lawful for the municipal council of the said corporation of the Town of Owen Sound to aid the said John George Hay and Archibald Hay for the erection of a factory for the manufacture of chairs within the limits of the said corporation by lending them the sum of \$15,000, repayable with interest at the rate of three and three-quarters per cent. per annum in accordance with the agreement entered into between the said John George Hay and Archibald Hay and the corporation of the Town of Owen Sound, dated the eighth day of February, 1899.

2. For that purpose it shall be lawful for the mayor of the said Town of Owen Sound to borrow fifteen thousand dollars and to issue debentures of the said municipality to said amount of fifteen thousand dollars in sums of not less than one hundred dollars, payable at the end of ten years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four per cent. per annum, payable half yearly on the first day of July and the first day of January in each year respectively during the currency of said debentures.

3. The said debentures shall bear date on the day hereinafter appointed for the coming into force of this by-law, shall be sealed with the corporate seal of the said Town of Owen Sound, be signed by the mayor thereof and bear interest at the rate of four per cent. per annum from the date thereof until respectively due as hereinbefore specified, which interest shall be payable half yearly on the first days of January and July respectively in each year, at the Molsons Bank in the Town of Owen Sound where also the said Debentures shall be payable.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon.

5. During the currency of the said debt while any of the said debentures remain unpaid there shall be raised, assessed and levied yearly upon the whole rateable property in the Town of Owen Sound the sum of \$600.00 for the payment of the interest during the currency of the said debentures and also the sum of \$1,308.46 for the payment of said debt.

6. This by-law shall come into force on the day of the final passing thereof by this council.

7. The votes of the electors of the municipality of the Town of Owen Sound shall be taken on this by-law on Saturday, the 11th day of March, 1899, commencing at the hour of nine of the clock in the morning and closing at the hour of five of the clock in the afternoon of the same day as follows: In Bay Ward at the stone public school house on Hill street by William Brown as deputy returning officer; in Centre Ward at the town hall by William Wilson as deputy returning officer; in River Ward at the brick public school house on the corner of Union and Boyd streets by John Corbet as deputy returning officer, and in West Ward in the Beech street public school house by William Dunn as deputy returning officer.

8. On Friday the 10th day of March, 1899, at the hour of ten o'clock in the forenoon the mayor of the Town of Owen Sound will attend at the

office of the town clerk in the Town of Owen Sound for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested and desirous of opposing the passing of this by-law.

9. On Monday the 13th day of March, 1899, at ten of the clock in the forenoon at the office in the town hall in the Town of Owen Sound, the clerk of the Town of Owen Sound will proceed to sum up the number of votes given for and against this by-law.

Mayor.

Town Clerk.

Council Chambers, 1899.

SCHEDULE B.

AGREEMENT.

THIS INDENTURE made and entered into this eighth day of February, in the year of our Lord one thousand eight hundred and ninety nine, by and between John George Hay and Archibald Hay, both of the town of Owen Sound, in the county of Grey, and Province of Ontario, chair manufacturers, of the first part, and the corporation of the town of Owen Sound, of the second part :

Whereas the said parties of the first part have been engaged in manufacturing chairs in the said town of Owen Sound continuously since the year 1892.

And whereas their factory consisting of a main building built of brick 260 x 45 feet and four stories high, together with boiler room, bending room, saw mill, and other outbuildings, and all their machinery, plant and stock were destroyed by fire on the thirty-first day of January, 1899.

And whereas, in consequence of the said fire, the employees of the said factory, numbering over two hundred and fifty persons, were thrown out of employment.

And whereas the said parties of the first part are desirous of rebuilding their factory and of having same completed and in running order during the year 1899

And whereas they have applied to the municipal council of the said corporation of the town of Owen Sound to aid them by lending them the sum of \$15,000, with interest at three and three-quarters per cent. per annum, to be repaid within ten years from the final passing of by-law No. 880 ; and for a grant of water for factory purposes from the town's water works system, and to allow them to connect at street line with the said system for all the hydrants and other appliances which they may place upon their premises for fire protection, and to permit them to have such supply of water from said system for fire protection as they may require free of charge ; and for exemption from taxes, except school taxes, during the said term of ten years on the terms and conditions hereinafter more particularly set out.

And whereas there is no other person or persons engaged in manufacturing chairs in the town of Owen Sound.

And whereas it is deemed expedient by the council of the said corporation of the town of Owen Sound to grant the said request of the said parties of the first part, upon the terms and conditions hereinafter appearing.

Now, therefore, this indenture witnesseth, and it is agreed by and between the said parties of the first part, their heirs, executors, administrators and assigns, and the corporation of the town of Owen Sound, their successors and assigns, as follows :—

1. That the said parties of the first part agree to acquire suitable lands adjoining site of the late factory plant, and premises for the said chair factory within the limits of the said municipality to be worth not less than \$50,000.

2. The said parties of the first part agree to erect and build within one year, upon the said lands now owned and so acquired, factories at least two hundred and fifty feet in length in the aggregate, with a width of forty-five feet, and three stories high, together with boiler room, saw mill, and all other necessary outbuildings, and to place therein all necessary boilers, engines, lathes, and other machinery necessary and proper for the efficient equipment of the said factory.

3. And the said parties of the first part agree to employ, upon the completion of the said factory, continuously, during the term of ten years thereafter, at least two hundred persons in and about the said factory, and to maintain the said factory with the said number of employees, in active and efficient operation for the said term of ten years.

4. The said parties of the first part agree to secure to the corporation of the town of Owen Sound by a first mortgage upon the lands and premises and machinery the repayment of the said sum of \$15,000 with interest thereon at three and three-quarters per cent. per annum on the following days and times, that is to say :—Interest shall be payable yearly upon the principal money from time to time remaining unpaid except the interest for the first, second and third years, amounting in the aggregate to \$1,687.50, which shall be postponed and paid as follows :—One half thereof, \$843.75, shall be paid at the end of the fourth year and the balance at the end of the fifth year. An instalment of \$2,000 shall be paid on account of said principal money at the end of the sixth, seventh, eighth and ninth years of said term, and the balance of the said principal money, \$7,000, shall be repaid at the end of the tenth year of said term.

5. And the said parties of the first part agree to insure and keep insured against loss or damage by fire in insurance companies acceptable to the council of the said corporation, their buildings, plant and machinery, to the full insurable value thereof, but not less than the amount due from time to time to the town on both of the town's mortgages, and in case of default the corporation may insure and charge premium to the parties of the first part and they shall make such insurance payable to the corporation of the town of Owen Sound as their interests may appear.

The corporation of the town of Owen Sound agrees to loan the said parties of the first part the said sum of \$15,000 upon the completion of the said factory and the delivery of said mortgage; they also agree to exempt by by-law or other Act sufficient in that behalf, the said property now used, owned or occupied by the said parties of the first part for the purpose of their factory, including all lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired by them as aforesaid from municipal taxation during the said term of ten years, except for school purposes, and they also agree to fix by by-law or other Act sufficient in that behalf the assessment of all lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired as aforesaid for the purpose of said factory at an aggregate assessed value of \$20,000 each year during said term of ten years, so that the school rates to be paid in respect thereof shall be paid only in respect of such aggregate and fixed assessed value of \$20,000.

The said corporation also agree to supply the said factory with water from the town's water works system for factory purposes and to allow them to connect at street line with the said system for all the hydrant and other appliances which they may place upon their premises for fire protection and permit them to have such supply of water from said system for fire protection as they may require, free of charge.

The said corporation agrees to submit a by-law to the electors of the said municipality of the town of Owen Sound not later than Saturday, the 11th day of March, 1899, for the purpose of obtaining the assent of the electors to said loan of \$15,000.

It is understood and agreed that this agreement shall not become operative and binding upon the parties hereto unless and until the assent of the electors shall have been obtained to the passing of such by-law and the same shall have been made valid and binding upon the corporation of the town of Owen Sound and duly legalized and confirmed by the Legislature of the Province of Ontario,

In witness whereof the said parties of the first part have hereunto set their hands and seals, and the said corporation of the town of Owen Sound has hereunto attached its corporate seal and caused its mayor and clerk to sign these presents.

Signed, sealed and delivered in
presence of

(Signed]

H. B. SMITH.

(Signed)

J. G. HAY, L.S.

A. B. HAY. L.S.

WM. S. MIDDLEBRO,
Mayor. S.

THOS. GORDON,
Town Clerk.

BILL.

An Act to confirm By-Law 880 of the Town of Owen Sound and to authorize the issue of debentures thereunder, and to confirm an Agreement made between the said corporation and John George Hay and Archibald Hay.

First Reading,	1899
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(Private Bill.)

Mr. BOYD.

TORONTO.

PRINTED BY D. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 140,]

BILL.

[1899.

An Act respecting the Town of Owen Sound.

WHEREAS the corporation of the town of Owen Sound Preamble.
has by petition represented that a great loss has resulted to the said town through the destruction by fire of the factory, buildings, plant and machinery belonging to John George Hay and Archibald Hay, and which were used for seven years for the purpose of manufacturing chairs on an extensive scale in said town, and that a large number of the inhabitants of said town have, in consequence of said fire, been deprived of employment; that it is desirable to grant a loan of \$15,000 to the said John George Hay and Archibald Hay for the purpose of assisting them in rebuilding and equipping a chair factory in said town; that for that purpose the municipal council of the said town submitted by-law, numbered 880, for the assent of the electors of said town entitled to vote thereon on the eleventh day of March, 1899, and the same was approved by more than two-thirds of the ratepayers entitled to vote on money by-laws under the provisions of *The Municipal Act* in that behalf, ^{and} and was finally passed on Monday, the 20th day of March, 1899, ^{and} and whereas no other person or persons are engaged in the manufacture of chairs in the said town; and whereas the said corporation has by its petition prayed that an Act may be passed to legalize, ratify and confirm said by-law, intituled "A by-law to aid and assist John George Hay and Archibald Hay in building and operating a chair factory in the Town of Owen Sound," a copy of which by-law is contained in schedule A. to this Act; also to legalize, ratify and confirm an agreement made and entered into on the eighth day

of February, A.D. 1899, between John George Hay and Archibald Hay of the first part, and the said corporation of the town of Owen Sound of the second part, a copy of which agreement is contained in schedule B. to this Act; and whereas the application of the said corporation appears to come within the repealed provisions of *The Municipal Amendment Act, 1888*; and whereas the said corporation have also by their petition prayed that an Act may be passed to authorize the said corporation to subscribe for stock, not exceeding in amount \$100,000 in a limited liability company formed for the purpose of establishing in said town a smelting and iron and steel manufacturing industry, and to issue debentures for the purpose of paying for stock so subscribed, and to ratify and confirm a by-law of the corporation of the Town of Owen Sound to be passed for that purpose; and whereas it is represented by the said corporation that there is a probability of securing the establishment of said industry, provided the said corporation is empowered to so subscribe and pay for a certain amount of said stock; and whereas there is as yet no steel manufacturing industry in the Dominion of Canada, and the circumstances connected with the establishing of such an industry are therefore exceptional; and whereas it is urged that the establishment of such an industry at the said Town of Owen Sound will very materially assist in developing the vast deposits of iron ore situated in the northern portions of Ontario, and will necessitate the employment of at least six hundred workmen at the Town of Owen Sound and some four hundred at the mines and in the transportation of ore to said town; and whereas it is expedient that the prayer of the said petition should be granted:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law confirmed.

1. The said by-law number 880 of the corporation of the Town of Owen Sound, intituled as in the preamble to this Act recited, and which said by-law is set out in schedule A. to this Act, and which has been assented to by more than two-thirds of the ratepayers entitled to vote thereon is hereby ratified and confirmed, and declared to be legal, valid and binding to all intents and purposes, and the debentures to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said town of Owen Sound, and the ratepayers thereof notwithstanding anything contained in any Act to the contrary.

Agreement confirmed.

2. The said agreement bearing date the eighth day of February, A.D. 1899, made between the said John George Hay and Archibald Hay of the first part and the corporation of the Town of Owen Sound of the second part, which is set forth in schedule B. to this Act is hereby ratified and confirmed, and declared to be legal, valid and binding to all intents and purposes upon the parties thereto.

3. The council of the corporation of the Town of Owen Sound may from time to time pass by-laws for issuing debentures to any amount not exceeding in the whole \$100,000, and for applying the proceeds of such debentures to the purchase of stock in any limited liability company now existing or hereafter to be incorporated for the purpose of smelting iron ore and manufacturing iron and steel at the said town of Owen Sound, and the debentures to be issued under the said by-laws shall be and the same are hereby declared to be legal, valid and binding upon the corporation of the Town of Owen Sound and the ratepayers thereof, notwithstanding anything contained in any Act to the contrary.

Power to issue debentures for \$100,000 to take stock in smelting works.

4. Any debentures issued under the powers hereby conferred shall be payable within thirty years from the date of the by-law authorizing the issue thereof, and a portion of the debentures issued under any such by-law shall be made payable in each year for a period not exceeding thirty years from the date of the passing of the by-law, so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years for the period in which the debt is to be discharged.

Time for payment of debentures.

5. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under section 3 of this Act, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures or any of them.

Special rate.

6. The corporation of the Town of Owen Sound may enter into any contract or agreement for taking stock in any such company upon such terms and conditions as may be contained in the by-law and the said agreement, and the issue of any debentures under such by-law may be postponed until the conditions contained in the said by-law and agreement have been fulfilled, or until such other time or times as may be provided for in the by-law or agreement, and the said agreement shall be valid, legal and binding to all intents and purposes upon the parties thereto.

Power to enter into agreements as to smelting works.

7. No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of *The Municipal Act* in respect of by-laws for creating debts, and the assent of one-third of all the electors entitled to vote shall be necessary as well as the assent of the majority of the electors voting on such by-law, and no elector interested in or holding shares or stock in the company shall be qualified to vote on any such by-law.

Assent of electors.

Rev Stat. c. 223.

SCHEDULE A.

BY-LAW No. 880.

A by-law to aid and assist John George Hay and Archibald Hay in building and operating a chair factory in the Town of Owen Sound.

Whereas the said John George Hay and Archibald Hay have been engaged in manufacturing chairs in the said Town of Owen Sound continuously since the year 1892, and whereas their factory, buildings, plant, machinery and stock were destroyed by fire on the thirty-first day of January, 1899.

And whereas in consequence of the said fire the employees of said factory, numbering over two hundred and fifty persons, were thrown out of employment, and whereas the said John George Hay and Archibald Hay are desirous of rebuilding their factory and of having same completed and in running order during the year 1899, and whereas they have applied to the municipal council of the said corporation to aid them by lending them the sum of \$ 5,000 in accordance with the terms of an agreement hereinafter referred to

And whereas it is deemed expedient and desirable to loan the said sum of \$15,000 to the said John George Hay and Archibald Hay for said purpose.

And whereas the amount of the whole rateable property of the said Town of Owen Sound according to the last revised assessment roll thereof, being the assessment roll for the year 1898, is \$2,610,944.

And whereas the existing debenture debt of the said Town of Owen Sound amounts to the sum of \$426,989.42, no principal and no interest being in arrear.

Therefore the corporation of the Town of Owen Sound by the council thereof, enacts as follows:

1. It shall and may be lawful for the municipal council of the said corporation of the Town of Owen Sound to aid the said John George Hay and Archibald Hay for the erection of a factory for the manufacture of chairs within the limits of the said corporation by lending them the sum of \$15,000, repayable with interest at the rate of three and three-quarters per cent. per annum in accordance with the agreement entered into between the said John George Hay and Archibald Hay and the corporation of the Town of Owen Sound, dated the eighth day of February, 1899.

2. For that purpose it shall be lawful for the mayor of the said Town of Owen Sound to borrow fifteen thousand dollars and to issue debentures of the said municipality to the said amount of fifteen thousand dollars in sums of not less than one hundred dollars, payable at the end of ten years from the date on which this by-law takes effect, and to bear interest at a rate not exceeding four per cent. per annum, payable half-yearly on the first day of July and the first day of January in each year respectively during the currency of said debentures.

3. The said debentures shall bear date on the day hereinafter appointed for the coming into force of this by-law, shall be sealed with the corporate seal of the said Town of Owen Sound, be signed by the mayor thereof and bear interest at the rate of four per cent. per annum from the date thereof until respectively due as hereinbefore specified, which interest shall be payable half-yearly on the first days of January and July respectively in each year, at the Molsons Bank in the Town of Owen Sound where also the said debentures shall be payable.

4. The said debentures shall have attached thereto coupons for the payment of the interest thereon.

5. During the currency of the said debt while any of the said debentures remain unpaid there shall be raised, assessed and levied yearly upon the whole rateable property in the Town of Owen Sound the sum of \$600 for the payment of the interest during the currency of the said debentures and also the sum of \$1,308.46 for the payment of said debt.

6. This by-law shall come into force on the day of the final passing thereof by this council.

7. The votes of the electors of the municipality of the Town of Owen Sound shall be taken on this by-law on Saturday, the 11th day of March, 1899, commencing at the hour of nine of the clock in the morning and closing at the hour of five of the clock in the afternoon of the same day as follows: In Bay Ward at the stone public school house on Hill street by William Brown as deputy returning officer; in Centre Ward at the town hall by William Wilson as deputy returning officer; in River Ward at the brick public school house on the corner of Union and Boyd streets by John Corbet as deputy returning officer, and in West Ward in the Beech street public school house by William Dunn as deputy returning officer.

8. On Friday the 10th day of March, 1899, at the hour of ten o'clock in the forenoon the mayor of the Town of Owen Sound will attend at the office of the town clerk in the Town of Owen Sound for the purpose of appointing in writing, signed by himself, two persons to attend at the final summing up by the town clerk of the votes polled on this by-law and also of appointing one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested and desirous of opposing the passing of this by-law.

9. On Monday the 13th day of March, 1899, at ten of the clock in the forenoon at the office in the town hall in the Town of Owen Sound, the clerk of the Town of Owen Sound will proceed to sum up the number of votes given for and against this by-law.

Mayor.

Town Clerk.

Council Chambers, 1899.

SCHEDULE B.

AGREEMENT.

THIS INDENTURE made and entered into this eighth day of February, in the year of our Lord one thousand eight hundred and ninety-nine, by and between John George Hay and Archibald Hay, both of the town of Owen Sound, in the county of Grey, and Province of Ontario, chair manufacturers, of the first part, and the corporation of the town of Owen Sound, of the second part:

Whereas the said parties of the first part have been engaged in manufacturing chairs in the said town of Owen Sound continuously since the year 1892,

And whereas their factory consisting of a main building built of brick 260 x 45 feet and four stories high, together with boiler room, bending room, saw mill, and other outbuildings, and all their machinery, plant and stock were destroyed by fire on the thirty-first day of January, 1899.

And whereas, in consequence of the said fire, the employees of the said factory, numbering over two hundred and fifty persons, were thrown out of employment.

And whereas the said parties of the first part are desirous of rebuilding their factory and of having same completed and in running order during the year 1889.

And whereas they have applied to the municipal council of the said corporation of the town of Owen Sound to aid them by lending them the sum of \$15,000, with interest at three and three-quarters per cent. per annum, to be repaid within ten years from the final passing of by-law No. 880; and for a grant of water for factory purposes from the town's water works system, and to allow them to connect at street line with the said system for all the hydrants and other appliances which they may place upon their premises for fire protection, and to permit them to have such supply of water from said system for fire protection as they may require free of charge; and for exemption from taxes, except school taxes, during the said term of ten years on the terms and conditions hereinafter more particularly set out.

And whereas there is no other person or persons engaged in manufacturing chairs in the town of Owen Sound.

And whereas it is deemed expedient by the council of the said corporation of the town of Owen Sound to grant the said request of the said parties of the first part, upon the terms and conditions hereinafter appearing.

Now, therefore, this indenture witnesseth, and it is agreed by and between the said parties of the first part, their heirs, executors, administrators and assigns, and the corporation of the town of Owen Sound, their successors and assigns, as follows:—

1. That the said parties of the first part agree to acquire suitable lands adjoining site of the late factory plant, and premises for the said chair factory within the limits of the said municipality to be worth no less than \$50,000.

2. The said parties of the first part agree to erect and build within one year, upon the said lands now owned and so acquired, factories at least two hundred and fifty feet in length in the aggregate, with a width of forty-five feet, and three stories high, together with boiler room, saw mill, and all other necessary outbuildings, and to place therein all necessary boilers, engines, lathes, and other machinery necessary and proper for the efficient equipment of the said factory.

3. And the said parties of the first part agree to employ, upon the completion of the said factory, continuously, during the term of ten years thereafter, at least two hundred persons in and about the said factory, and to maintain the said factory with the said number of employees, in active and efficient operation for the said term of ten years.

4. The said parties of the first part agree to secure to the corporation of the town of Owen Sound by a first mortgage upon the lands and premises and machinery the repayment of the said sum of \$15,000 with interest thereon at three and three-quarters per cent. per annum on the following days and times, that is to say:—Interest shall be payable yearly upon the principal money from time to time remaining unpaid except the interest for the first, second and third years, amounting in the aggregate to \$1,675.00, which shall be postponed and paid as follows:—One half thereof, \$843.75, shall be paid at the end of the fourth year and the balance at the end of the fifth year. An instalment of \$2,000 shall be paid on account of said principal money at the end of the sixth, seventh, eighth and ninth years of said term, and the balance of the said principal money, \$7,000, shall be repaid at the end of the tenth year of said term.

5. And the said parties of the first part agree to insure and keep insured against loss or damage by fire in insurance companies acceptable to the council of the said corporation, their buildings plant and machinery, to the full insurable value thereof, but not less than the amount due from time to time to the town on both of the town's mortgages, and in case of

default the corporation may insure and charge premium to the parties of the first part and they shall make such insurance payable to the corporation of the town of Owen Sound as their interests may appear.

The corporation of the town of Owen Sound agrees to loan the said parties of the first part the said sum of \$15,000 upon the completion of the said factory and the delivery of said mortgage; they also agree to exempt by by-law or other Act sufficient in that behalf, the said property now used, owned or occupied by the said parties of the first part for the purpose of their factory, including all lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired by them as aforesaid from municipal taxation during the said term of ten years, except for school purposes, and they also agree to fix by by-law or other Act sufficient in that behalf the assessment of all lands, buildings, plant, stock and other improvements now owned or hereafter to be acquired as aforesaid for the purpose of said factory at an aggregate assessed value of \$20,000 each year during said term of ten years, so that the school rates to be paid in respect thereof shall be paid only in respect of such aggregate and fixed assessed value of \$20,000.

The said corporation also agree to supply the said factory with water from the town's water works system for factory purposes and to allow them to connect at street line with the said system for all the hydrant and other appliances which they may place upon their premises for fire protection and permit them to have such supply of water from said system for fire protection as they may require, free of charge.

The said corporation agrees to submit a by-law to the electors of the said municipality of the town of Owen Sound not later than Saturday, the 11th day of March, 1899, for the purpose of obtaining the assent of the electors to said loan of \$15,000.

It is understood and agreed that this agreement shall not become operative and binding upon the parties hereto unless and until the assent of the electors shall have been obtained to the passing of such by-law and the same shall have been made valid and binding upon the corporation of the town of Owen Sound and duly legalized and confirmed by the Legislature of the Province of Ontario,

In witness whereof the said parties of the first part have hereunto set their hands and seals, and the said corporation of the town of Owen Sound has hereunto attached its corporate seal and caused its mayor and clerk to sign these presents.

Signed, sealed and delivered in
presence of

(Signed)

H. B. SMITH.

(Signed)

J. G. HAY,

L.S.

A. B. HAY.

L.S.

WM. S. MIDDLEBRO,

Mayor. S.

THOS. GORDON,

Town Clerk.

BILL.

An Act respecting the Town of Owen
Sound.

First Reading, March 1st, 1899.

(*Reprinted as amended by Private Bills
Committee.*)

Mr. BOYD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 141.]

BILL.

[1899.]

An Act to Confirm By-law No. of the Town of
Palmerston.

WHEREAS the Palmerston Pork Packing Co., Limited, ^{Preamble.}
has, by its petition, represented that it is possessed of
certain lands and premises situate within the limits of the
township of Minto, in the county of Wellington, adjoining the
5 northern limit of the town of Palmerston, in the said county
of Wellington; and whereas said company has further repre-
sented that the northern limit of the said town of Palmerston,
as contained in 58 Victoria, chapter 72, section 1, subsection 2,
is twenty-five chains from the centre line of the original al-
10 lowance for road between the said township of Minto and the
township of Wallace, in the county of Perth, whereas it should
have been twenty-five chains from the northern boundary of
said road allowance, (being a distance of one-half chain fur-
ther north) such twenty-five chains from the northern bound-
15 ary of said road allowance, having since the incorpor-
ation of said town been considered and known as part of
said town of Palmerston; and whereas the said company
has entered into an agreement with the municipal corporation
of the said town of Palmerston, which agreement bears date
20 the twenty-first day of February, 1899; and whereas in pur-
suance of said agreement the municipal corporation of the said
town of Palmerston has passed a by-law intituled "a by-law
to authorise and confirm the execution of a certain indenture
of agreement made between the municipal corporation of the
25 town of Palmerston and The Palmerston Pork Packing Company,

Limited, and to authorize the said municipal corporation to guarantee bonds of the said Palmerston Pork Packing Company, Limited, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said company," adopting such agreement, which by-law and agreement are set out in the schedule hereto; and whereas the said town of Palmerston desires to extend the limits of said town so as to include the north half of lot number twenty-one, in the first concession of the said township of Minto, or so much thereof as the owners thereof are willing to allow incorporated within said limits; and whereas it is expedient to grant the prayer of the said petition:—

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

58 V, c. 72,
amended.

1. That subsection 2, of section 1, of 58 Victoria, chapter 72, be amended by inserting after the words "twenty-five," in the twenty-fourth line thereof, the words "and one half," and by striking out the words and figures "19, 20, 21, 22, 23, 24, and 25," in the twenty-sixth line thereof, and inserting in lieu thereof the words and figures "25, 25, 23, and 22 to the westerly limit of lot number twenty-one, in the said first concession of Minto, thence northerly along the westerly limit of said lot twenty-one to the north-west angle thereof, thence easterly along the northerly boundary of said lot twenty-one to the north-east angle thereof, thence southerly along the easterly boundary of said lot twenty-one to a point distant twenty-five and one-half chains northerly (in a direction at right angles to the centre line of the road allowance between the said townships of Minto and Wallace) from said centre line of said road allowance, thence easterly parallel to the southerly limits of lots 20 and 19."

By-law confirmed.

2. That by-law No. of the town of Palmerston, intituled as in the preamble to this Act, and set out in schedule A to this Act, is hereby confirmed and legalized.

Agreement confirmed.

3. That the agreement mentioned in said by-law and set out in the said schedule A to this Act, is hereby confirmed and legalized.

Authority to do all necessary acts.

4. That it shall be lawful to do all things by and on behalf of the said company or its assigns and the said corporation, necessary for the carrying out and fulfilment of and complying with the terms, conditions, covenants, and provisoes contained and set out in the said agreement and the said by-law.

SCHEDULE A.

TOWN OF PALMERSTON. BY-LAW NO.

A by-law to authorize and confirm the execution of a certain indenture of agreement made between the municipal council of the town of Palmerston and the Palmerston Pork Packing Company, Limited, and to authorize the said municipal council to guarantee bonds of the said Palmerston Pork Packing Company, Limited, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said company.

Whereas the said Palmerston Pork Packing Company, Limited, and the said municipal council have entered into an agreement set out in schedule A hereto, which is hereby incorporated in and is to be read and construed as part of this by-law, and whereas the said agreement has been executed by the said company and by the said municipal council, by the signatures of the mayor and clerk of the said council and the seal of the said municipal corporation, and whereas the said municipal council of the said town deem it expedient to authorize, ratify and confirm the said agreement and to provide for the carrying out of the terms thereof; and whereas the said municipal council deem it advisable to submit this by-law to the vote of the ratepayers of the said town:—

Now therefore the municipal council of the town of Palmerston enacts as follows:—

1. That the execution of the said agreement on behalf of the said municipality of the town of Palmerston, by the signatures of the mayor and the clerk of the council thereof, and the seal of the said corporation, is hereby authorized, ratified and confirmed.

2. That the mayor and clerk of the said municipal council, by and with their signatures and the seal of the said corporation, on behalf of the said municipality, shall guarantee the bonds of the said company, issued in pursuance of and compliance with the said agreement.

3. That the lands, buildings, plant and machinery of the said company shall, subject to the terms, conditions and provisoes in the said agreement set out, and to the provisos hereinafter contained, from time to time, be exempt for the term of ten years from the 31st day of December, 1899, from the payment of all taxes assessable by the municipality of the said town, for any rate or purpose whatsoever, except school taxes.

4. Provided always that so much of the said property as would, if this by-law had not been passed, be liable to assessment, shall annually be assessed in the usual way, and rated and placed on the collector's rolls, and the exemption hereby granted shall only take effect on the production to the mayor of the said town, for the time being, on or before the first day of December in each year, of a statutory declaration to be made by the president, managing director or manager of the said company or its assigns, that all the said conditions, covenants and provisoes in the said agreement contained or herein set out applicable and appertaining to such exemption, have been complied with fulfilled and satisfied by the said company or its assigns, and upon the mayor granting his certificate certifying such compliance, fulfillment and satisfaction, the taxes and rates assessed and rated against the said lands, buildings, plant and machinery, shall not be collected, and production of the mayor's said certificate shall be sufficient authority to the collector, and it shall be his duty to refrain from collecting such taxes and rates so assessed and rated, except school taxes.

5. That such exemption from taxes and rates shall be and continue for the full term of ten years from the 31st day of December, 1899, provided the conditions of this by-law and the terms, conditions, covenants and provisos

in the said agreement continue to be observed, performed and fulfilled, and for such shorter time as the said conditions, terms, covenants and provisos are performed, fulfilled and observed.

6. That the council of the said municipality may appoint two directors of the said company annually or so often as the office becomes vacant, in addition to the number of directors elected by the shareholders of the said company, such directors so appointed by the said council not necessarily being shareholders of the said company.

7. That the council of the said municipality may appoint annually or oftener, if such council deem it advisable an auditor to audit and examine the books, papers and records of the said company whenever instructed by the said municipal council so to do and to report thereon to the said council.

8. That the said municipal council may take such mortgage on the real estate, buildings, plant and machinery of the said company as it may be advised as collateral security for its liability under the said guarantee of the said bonds of the said company, and for the payment of any liability of the said company or its assigns to the said municipality under the said agreement or hereunder, and may take all actions and proceedings as it may be advised are necessary for the proper enforcement of the same, and that the said municipal council may do all things necessary to carry out the said agreement and to enforce the same.

9. That the treasurer of the said municipality shall receive in trust the moneys arising from the sale of the said bonds of the said company to pay all liens or encumbrances on the property of the said company or its assigns, either real or personal, and to pay the balance left after such payments, and the said property real and personal of the said company or its assigns, being of at least the value of \$35,000, over and above all incumbrances, to the said company or its assigns, upon the order of the said municipal council.

10. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law, shall be taken thereon on Monday the thirteenth day of March, 1899, at the hour of nine o'clock in the forenoon and continue until five o'clock in the afternoon on the same day at the council chamber of the town hall at which S. Caswell shall be and he is hereby appointed the returning officer.

11. That except as otherwise herein provided, the sections of *The Municipal Act* relating to granting a bonus in aid of a railway and the assent of the qualified ratepayers shall apply to the vote to be taken on this by-law.

12. That on Friday the tenth day of March, 1899, the Mayor of the said town shall attend at the council chamber in the town hall at the hour of twelve o'clock noon to appoint persons to attend at the said polling place and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested and promoting and opposing the by-law.

13. The clerk of the town of Palmerston shall attend at the town hall in the council chamber thereof immediately at the close of the poll and sum up the number of votes cast for and against this by-law.

14. That this by-law be sanctioned and legalized by an Act of the Legislature of the Province of Ontario to be applied for and obtained by and at the expense of the said company as soon as may be.

15. That this by-law shall come into force and take effect on its being sanctioned and legalized by an Act of the Legislature of the Province of Ontario.

Dated at the Town of Palmerston in the county of Wellington, this 21st day of February, 1899.

Read the third time and finally passed this day of March, 1899.

Mayor.

Clerk.

This indenture made in duplicate this twenty-first day of February, 1899.

Between :—

The Palmerston Pork Packing Company Limited, hereinafter called the company, of the first part, and

The Municipal Corporation of the Town of Palmerston hereinafter called the Municipality, of the second part,

Whereas the company is the owner in fee simple of the lands and premises following, that is to say :

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Minto in the county of Wellington and being composed of the westerly halves of Park lots numbers seventeen, eighteen, nineteen, twenty and twenty-one in the said township of Minto according to Kirk's plan made for Fuller and Watson of the north half of lot twenty-one in the first concession of the said township of Minto, which plan is duly registered in the registry office for the North Riding of the county of Wellington, save and except those parts of said lots seventeen and eighteen heretofore conveyed by William Clark to Lionel Herbert Clark and Willmott D. Matthews by deed duly registered in said Registry Office as No. 4890, for the township of Minto, all the above mentioned lands being subject to the reservations, easements and servitudes contained in said recited instrument No. 4890 for said township, which lands immediately adjoin the northerly boundary of the said municipality, and

Whereas it has been agreed between the said company and the said municipality that the said company or its assigns apply to the Legislature of the Province of Ontario for legislation to bring the said lands within the said municipality and to empower the said company to issue bonds to the amount of \$25,000 with interest at the rate of four per centum per annum, payable in twenty-five equal annual instalments of principal and interest, and to legalize this indenture and the by-law hereinafter mentioned, and to authorize and empower the doing of all things necessary hereto, and

Whereas the said municipality has agreed with the said company to exempt the said lands of the said company and the buildings, plant and machinery of the said company from taxation (except school taxes) for a period of ten years from the 31st day of December, 1899, upon certain conditions and provisos, and

Whereas the said municipality has agreed to guarantee the said bonds of the said company, and

Whereas the said municipality has agreed to submit to the vote of the ratepayers of the said municipality, a by-law to enable the council of said municipality to carry out the terms, conditions and provisos of this indenture,

Now therefore in consideration of the premises and the terms, covenants, conditions and provisos hereinafter set out, the said company hereby covenants and agrees for itself and assigns to and with the said municipality to apply to the Legislature of the Province of Ontario at the expense of the said company or its assigns for an Act to alter the boundaries of the said municipality so as to bring the said lands of the said company within the said municipality and for an Act to legalize this indenture and the by-law hereinafter mentioned, and to authorize the doing of all things by the proper officers of the said company or its assigns, and the said municipality for the execution and carrying out of the conditions, terms, covenants and provisos of this indenture.

And the said company for itself and its assigns, covenants and agrees to and with the said municipality to pay all costs of and incidental to the

said application for the said legislation, and of the submission to the vote of the ratepayers of the said municipality of the by-law hereinafter mentioned and of and incidental to the carrying out of the terms hereof.

And the said company for itself and its assigns hereby covenants and agrees to and with the said municipality that notwithstanding anything in the letters of incorporation of the said company contained or in any Act of the Legislature of the Province of Ontario applicable to the said company, the council of the said municipality, from time to time, shall be at liberty to appoint two directors of the said company in addition to the number of directors elected by the shareholders of the said company, such directors not necessarily being shareholders in the said company, and that each of the said directors so appointed shall have the power to vote at all meetings of the shareholders of the said company such votes to have the same force as if each of said directors held \$5,000 stock in said company, and that the said council of the said municipality shall be and is hereby empowered to appoint annually or oftener if the said council deem it advisable, an auditor with full power to examine and audit the books, papers and records of the said company or its assigns whenever instructed by the council so to do, and to report thereon to the said council.

Provided that the auditor so appointed may at any time, upon the instruction of the said council, examine and audit the said books, papers and records of the said company and of its assigns and report thereon to the said council. And the said municipality hereby covenants and agrees with the said company and its assigns that upon the issue by the said company of bonds amounting to \$25,000.00 with interest at the rate of four per centum per annum payable in twenty-five equal annual instalments of principal and interest, the said municipality will guarantee the payment of such bonds subject to the following provisos :

Provided always that at least \$15,000 of the capital stock of the said company shall be bona fide subscribed for and not less than \$10,000 paid in on such subscription and applied in payment of the said lands, buildings, plant and machinery of the said company or its assigns, and satisfactory evidence thereof furnished to said council before the said municipality may be required by the said company to so guarantee the payment of the said bonds.

Provided further that the money received from the sale of the said bonds shall be paid to the treasurer of the said municipality and that the treasurer shall receive the same in trust to pay all liens and incumbrances on the property of the said company or its assigns either real or personal, in so far as the same will extend, and to pay to the said company or its assigns, the balance of the said moneys (if any) after such payment of liens and incumbrances, and the said property real and personal of the said company or its assigns being of at least the value of \$35,000 over and above all incumbrances, upon the order of the said municipal council.

And the said municipality hereby agrees with the said company and its assigns that upon the said lands of the said company being brought within the boundaries of the said municipality the said company or its assigns will be exempt from taxes (except school taxes) therefor and for any other lands of the said company and for the buildings, plant and machinery of the said company or its assigns subject to the following provisos: Provided that all employees of the said company or its assigns, shall reside within the limits of the said municipality and that in default thereof such exemption from the payment of taxes shall from time to time and so often as any of the employees of the said company reside without the limits of the said municipality cease, and the said company, or its assigns shall then pay taxes as hereinafter provided.

Provided further that such exemption from the payment of taxes shall apply only to the real and personal property of the said company or its

assigns bona fide required, held and used by the said company or its assigns in and for the carrying on of the business of and incidental to a pork packing industry and not otherwise.

And it is further provided that such exemption from the payment of taxes shall not apply or extend to exempt from such taxes dwelling houses erected or hereafter erected on the lands of the said company or its assigns.

Provided further that so much of the property as would, if this agreement and the said by-law to be passed in pursuance hereof had not been executed and passed, be liable to assessment, shall annually be assessed in the usual way and rated and placed on the collector's rolls and the exemption hereby agreed to shall only take effect on the production to the mayor of the said municipality for the time being, on or before the first day of December in each year of a statutory declaration to be made by the president or managing director or manager of the said company or its assigns declaring that all employees of the said company or its assigns reside within the limits of the said municipality and have so resided during the preceding year or such part thereof as any such employee has been in the employ of the said company and that the real and personal property of the said company or its assigns is bona fide required, held and used by the said company or its assigns in and for the carrying on of the business of and incidental to a pork packing industry and not for any other purpose, and upon the mayor granting his certificate certifying the facts required to be set out in the said statutory declaration, the taxes and rates assessed and rated against the said lands, buildings, plant and machinery shall not be collected, except school taxes.

And the said company hereby for itself and its assigns covenants and agrees to and with said municipality to insure the buildings, plant and machinery of the said company or its assigns and to keep the same insured to their insurable value from time to time until the said bonds are fully paid and satisfied, in a company or companies to be approved of in writing, by the mayor and clerk of the said municipal council, and that the mortgage hereinafter mentioned shall contain a clause for such insurance, and such policy or policies shall be assigned to the said municipality and in the event of damage by fire the moneys payable under said policy or policies shall be payable to the said municipality and may by the said municipality be applied in restoring the building or buildings, plant or machinery so damaged, or held by the said municipality to pay the unpaid or unmatured bonds guaranteed by the said municipality as aforesaid according to the exigencies thereof in so far as the said moneys will extend, as may be directed by a vote of the ratepayers entitled to vote on railway bonus by-laws, to be taken. Provided that nothing herein contained shall effect any statutory right or privilege of said municipality as mortgages.

Provided that in default of said company or its assigns effecting such insurance as hereinbefore required, the said municipality shall effect such insurance and pay the premium or premiums therefor, and any such payment of premium or premiums shall be charged by the said municipality against the said company or its assigns and shall bear interest at the rate of six per centum per annum, and shall be, together with said interest, collected from said company or its assigns as and for liquidated damages. And the said company for itself and its assigns covenants to repay the same.

And the said company hereby for itself and its assigns covenants and agrees with the said municipality to give to the said municipality a mortgage of the lands of the said company or its assigns as collateral security to the said municipality for its liability under the said guarantee of the said municipality of the said bonds of the said company and for the payment of any liability of the said company or its assigns to the said municipality hereunder, which mortgage shall contain the ordinary

statutory covenants, provisos and agreements applicable thereto, (the power of sale to be upon three months default and three months notice) and such others as the municipality may deem advisable for the security hereby intended.

And the said company hereby covenants for itself and its assigns to and with the said municipality, that the said company or its assigns shall not during the currency of the said mortgage remove from off the said premises or sell or incumber the plant or machinery of the said company or its assigns without the consent by resolution of the council of said municipality, and that any such removal, sale or incumbrance shall be and shall be provided a default, by the said company or its assigns under the said mortgage.

And the said municipality hereby covenants and agrees with the said company and its assigns that the council of the said municipality will pass a by-law (and if the council of the said municipality deem it advisable, submit the same to the vote of the ratepayers of the said municipality) necessary to enable the said municipality to carry out the terms, conditions and provisos in this indenture.

Provided always that if the said company fail to obtain such legislation as is necessary to render operative and to legalize this indenture or in the event of such a by-law being submitted to the vote of the ratepayers and not receiving the sanction of a sufficient number of the said ratepayers, the covenants, promises, agreements and obligations of the said municipality hereunder and herein contained shall be void and of no effect, otherwise the same shall remain in full force and effect.

In witness whereof the said parties hereto have hereunto set the hands of the president and secretary of the said company and the hands of the mayor and clerk of the said municipality and the corporate seals of the said company and the said municipality.

Company seal.	(Sgd.)	W. J. FALCONER, President. JOHN OLIVER, Secretary.
Municipal seal.	(Sgd.)	R. SHIELDS, Mayor. S. CASWELL, Clerk.

No 141.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-law No. of the
Town of Palmerston.

First Reading	1899.
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(Private Bill.)

Mr. BROWN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 141.]

BILL.

[1899.]

An Act to Confirm By-law No. 228 of the Town of Palmerston.

WHEREAS the Palmerston Pork Packing Co., Limited, Preamble.
has, by petition, represented that *the said company* is possessed of certain lands and premises situate within the limits of the township of Minto, in the county of Wellington, adjoining the northern limit of the town of Palmerston, in the said county of Wellington; and whereas said company has further represented that the northern limit of the said town of Palmerston, as contained in 58 Victoria, chapter 72, section 1, subsection 2, is twenty-five chains from the centre line of the original allowance for road between the said township of Minto and the township of Wallace, in the county of Perth, whereas it should have been twenty-five chains from the northern boundary of *the* said road allowance, (being a distance of one-half chain further north) *the area included within* twenty-five chains from the northern boundary of *the* said road allowance having since the incorporation of *the* said town been considered and known as part of *the* said town of Palmerston; and whereas *it is further represented* that the said company has entered into an agreement with the municipal corporation of the said town of Palmerston, which agreement bears date the twenty-first day of February, 1899, and that in pursuance of said agreement the municipal corporation of the said town of Palmerston has passed a by-law numbered 228 and intituled "a by-law to authorise and confirm the execution of a certain indenture of agreement made between the municipal corporation of the town of

Palmerston and The Palmerston Pork Packing Company Limited, and to authorize the said municipal corporation to guarantee bonds of the said Palmerston Pork Packing Company, Limited, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said company," adopting such agreement, which by-law and agreement are set out in the schedule hereto; and whereas ~~it~~ it has been shewn that the said by-law was submitted to the vote of the qualified ratepayers of the said town and carried by a large majority and that the ratepayers who voted in favor of the said by-law together with those who from absence from the said town or sickness at the time the said vote was taken, but who have since petitioned that the said by-law might be confirmed, comprise more than two-thirds of the ratepayers of the said town who are qualified to vote on by-laws for the creation of debts and the said by-law seems to come within the provisions of the repealed clauses of *The Municipal Amendment Act 1888*, respecting aid to industrial enterprises; and whereas ~~the~~ the said town of Palmerston desires to extend the limits of *the* said town so as to include *that portion of* the north half of lot number twenty-one, in the first concession of the said township of Minto, ~~owned~~ owned and occupied by the Palmerston Pork Packing Company (Limited), ~~and~~ and whereas it is expedient to grant the prayer of the said petition:—

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

58 V, c. 72,
amended.

~~§~~ 1. That subsection 2, of section 1, of 58 Victoria, chapter 72, be amended by striking out all after the words "twenty-five," in the twenty-fourth line thereof to the word "to" in the twenty-ninth line thereof and inserting in lieu thereof the following "and one-half chains more or less to the continuation westerly of the division line between the north and south halves of lots 25, 24, 23, 22, 21, ~~20~~ and 19, in the said first concession of the said township of Minto, thence easterly along the said extension and along the said division line seventy chains and eleven links more or less to the north-westerly angle of lot 79 on the westerly side of Jane street in Caswell's survey of part of the south half of said lot 22 in the first concession of the said township of Minto (now within the limits of the said town of Palmerston), thence easterly along the northerly boundary of *said* lot 79 and the extension easterly thereof and along the northerly boundary of lot number 67 on the easterly side of said Jane street in said Caswell's survey and the extension easterly thereof to the south-west angle of park lot number 17 in Fuller and Watson's survey of the north half of said lot number 21 in the said first concession of the said township of Minto, thence easterly along the southerly boundary of said park lot 17 one hundred and ninety-eight feet, thence northerly parallel with the westerly

limit of said park lot 17 and the westerly limit of park lot 18, in said Fuller and Watson's survey, three hundred and thirty feet more or less to the northerly limit of said park lot 18, thence westerly along the said northerly limit of said park lot number 18 one hundred and thirty-seven feet, more or less, to the easterly limit of the roadway of the Durham branch of the Grand Trunk Railway, thence northerly along the said easterly limit of roadway of the Durham branch of the Grand Trunk Railway nine hundred and ninety feet, more or less, to the northerly limit of park lot number 21, in said Fuller and Watson's survey, thence easterly along the said northerly limit of said park lot number 21 three hundred and forty-two feet, more or less, to the north-easterly angle of the west half of said park lot number 21, thence southerly along the division line between the east and west halves of park lots numbers 21, 20, 19 18 and 17 thirteen hundred and twenty feet, more or less, to the southerly limit of the said park lot number 17, thence easterly along said southerly limit of said park lot number 17 and the extension easterly thereof and along the southerly boundary of lots numbers 4, 3, 2 and 1 on the southerly side of Lett street in said Fuller and Watson's survey to the easterly limit of said lot 21 in the said first concession of said township of Minto, thence easterly parallel to the southerly boundary of said lots 20 and 19 in said first concession forty-one chains, more or less, to the easterly limit of said lot 19, thence southerly along said easterly boundary of said lot 19, twenty-five and one-half chains, more or less.

2. That by-law No. 228 of the town of Palmerston, intituled as in the preamble to this Act, and set out in schedule A to this Act, is hereby confirmed and legalized. By-law confirmed.

3 That the agreement mentioned in said by-law and set out in the said schedule B to this Act, is hereby confirmed and legalized. Agreement confirmed.

4. That it shall be lawful to do all things by and on behalf of the said company or its assigns and the said corporation, necessary for the carrying out and fulfilment of and complying with the terms, conditions, covenants, and provisoes contained and set out in the said agreement and the said by-law. Authority to do all necessary acts.

SCHEDULE A.

(Section 1.)

TOWN OF PALMERSTON. BY-LAW No. 228.

A by-law to authorize and confirm the execution of a certain indenture of agreement made between the municipal council of the town of Palmerston and the Palmerston Pork Packing Company, Limited, and to authorize the said municipal council to guarantee bonds of the said Palmerston Pork Packing Company, Limited, and to exempt from taxation (except school taxes) the lands, buildings, plant and machinery of the said company.

Whereas the said Palmerston Pork Packing Company, Limited, and the said municipal council have entered into an agreement set out in schedule A hereto, which is hereby incorporated in and is to be read and construed as part of this by-law, and whereas the said agreement has been executed by the said company and by the said municipal council, by the signatures of the mayor and clerk of the said council and the seal of the said municipal corporation, and whereas the said municipal council of the said town deem it expedient to authorize, ratify and confirm the said agreement and to provide for the carrying out of the terms thereof; and whereas the said municipal council deem it advisable to submit this by-law to the vote of the ratepayers of the said town:—

Now therefore the municipal council of the town of Palmerston enacts as follows:—

1. That the execution of the said agreement on behalf of the said municipality of the town of Palmerston, by the signatures of the mayor and the clerk of the council thereof, and the seal of the said corporation, is hereby authorized, ratified and confirmed.

2. That the mayor and clerk of the said municipal council, by and with their signatures and the seal of the said corporation, on behalf of the said municipality, shall guarantee the bonds of the said company, issued in pursuance of and compliance with the said agreement.

3. That the lands, buildings, plant and machinery of the said company shall, subject to the terms, conditions and provisoes in the said agreement set out, and to the provisos hereinafter contained, from time to time, be exempt for the term of ten years from the 31st day of December 1899, from the payment of all taxes assessable by the municipality of the said town, for any rate or purpose whatsoever, except school taxes.

4. Provided always that so much of the said property as would, if this by-law had not been passed, be liable to assessment, shall annually be assessed in the usual way, and rated and placed on the collector's rolls, and the exemption hereby granted shall only take effect on the production to the mayor of the said town, for the time being, on or before the first day of December in each year, of a statutory declaration to be made by the president, managing director or manager of the said company or its assigns, that all the said conditions, covenants and provisoes in the said agreement contained or herein set out applicable and appertaining to such exemption have been complied with, fulfilled and satisfied by the said company or its assigns, and upon the mayor granting his certificate certifying such compliance, fulfillment and satisfaction, the taxes and rates assessed and rated against the said lands, buildings, plant and machinery, shall not be collected, and production of the mayor's said certificate shall be sufficient authority to the collector, and it shall be his duty to refrain from collecting such taxes and rates so assessed and rated, except school taxes.

5. That such exemption from taxes and rates shall be and continue for the full term of ten years from the 31st day of December, 1899, provided the conditions of this by-law and the terms, conditions, covenants and provisos

in the said agreement continue to be observed, performed and fulfilled, and for such shorter time as the said conditions, terms, covenants and provisos are performed, fulfilled and observed.

6. That the council of the said municipality *shall* appoint two directors of the said company annually or so often as the office becomes vacant, in addition to the number of directors elected by the shareholders of the said company, such directors so appointed by the said council not necessarily being shareholders of the said company.

7. That the council of the said municipality *shall* appoint annually or oftener, if such council deem it advisable an auditor to audit and examine the books, papers and records of the said company whenever instructed by the said municipal council so to do and to report thereon to the said council.

8. That the said municipal council *shall* take such mortgage on the real estate, buildings, plant and machinery of the said company as it may be advised as collateral security for its liability under the said guarantee of the said bonds of the said company, and for the payment of any liability of the said company or its assigns to the said municipality under the said agreement or hereunder, and may take all actions and proceedings as it may be advised are necessary for the proper enforcement of the same, and that the said municipal council may do all things necessary to carry out the said agreement and to enforce the same.

9. That the treasurer of the said municipality shall receive in trust the moneys arising from the sale of the said bonds of the said company to pay all liens or encumbrances on the property of the said company or its assigns, either real or personal, and to pay the balance left after such payments (*if any*) to the said company or its assigns, upon the order of said municipal council, ~~but~~ such balance (*if any*) shall not be paid over by said Treasurer until the said property of the said company or its assigns is of at least the value of \$35,000 and free from all incumbrances. ~~or~~

10. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law, shall be taken thereon on Monday the thirteenth day of March, 1899, at the hour of nine o'clock in the forenoon and continue until five o'clock in the afternoon on the same day at the council chamber of the town hall at which S. Caswell shall be and he is hereby appointed the returning officer.

11. That except as otherwise herein provided, the sections of *The Municipal Act* relating to granting a bonus in aid of a railway and the assent of the qualified ratepayers shall apply to the vote to be taken on this by-law.

12. That on Friday the tenth day of March, 1899, the Mayor of the said town shall attend at the council chamber in the town hall at the hour of twelve o'clock noon to appoint persons to attend at the said polling place and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested and promoting and opposing the by-law.

13. The clerk of the town of Palmerston shall attend at the town hall in the council chamber thereof immediately at the close of the poll and sum up the number of votes cast for and against this by-law.

14. That this by-law be sanctioned and legalized by an Act of the Legislature of the Province of Ontario to be applied for and obtained by and at the expense of the said company as soon as may be.

15. That this by-law shall come into force and take effect on its being sanctioned and legalized by an Act of the Legislature of the Province of Ontario.

Dated at the Town of Palmerston in the county of Wellington, this 21st day of February, 1899.

Read the third time and finally passed this 20th day of March, 1899.

(Sgd.) R. SHIELDS, Mayor.
S. CASWELL, Clerk.

SCHEDULE B.

(Section 2)

This indenture made in duplicate this twenty-first day of February, 1899.

Between :—

The Palmerston Pork Packing Company Limited, hereinafter called the company, of the first part, and

The Municipal Corporation of the Town of Palmerston hereinafter called the Municipality, of the second part,

Whereas the company is the owner in fee simple of the lands and premises following, that is to say :

All and singular those certain parcels or tracts of land and premises situate, lying and being in the township of Minto in the county of Wellington and being composed of the westerly halves of Park lots numbers seventeen, eighteen, nineteen, twenty and twenty-one in the said township of Minto according to Kirk's plan made for Fuller and Watson of the north half of lot twenty-one in the first concession of the said township of Minto, which plan is duly registered in the registry office for the North Riding of the county of Wellington, save and except those parts of said lots seventeen and eighteen heretofore conveyed by William Clark to Lionel Herbert Clark and Willmott D. Matthews by deed duly registered in said Registry Office as No. 4890, for the township of Minto, all the above mentioned lands being subject to the reservations, easements and servitudes contained in said recited instrument No. 4890 for said township, which lands immediately adjoin the northerly boundary of the said municipality, and

Whereas it has been agreed between the said company and the said municipality that the said company or its assigns apply to the Legislature of the Province of Ontario for legislation to bring the said lands within the said municipality and to empower the said company to issue bonds to the amount of \$25,000 with interest at the rate of four per centum per annum, payable in twenty-five equal annual instalments of principal and interest, and to legalize this indenture and the by-law hereinafter mentioned, and to authorize and empower the doing of all things necessary hereto, and

Whereas the said municipality has agreed with the said company to exempt the said lands of the said company and the buildings, plant and machinery of the said company from taxation (except school taxes) for a period of ten years from the 31st day of December, 1899, upon certain conditions and provisos, and

Whereas the said municipality has agreed to guarantee the said bonds of the said company, and

Whereas the said municipality has agreed to submit to the vote of the ratepayers of the said municipality, a by-law to enable the council of said municipality to carry out the terms, conditions and provisos of this indenture,

Now therefore in consideration of the premises and the terms, covenants, conditions and provisos hereinafter set out, the said company hereby covenants and agrees for itself and assigns to and with the said municipality to apply to the Legislature of the Province of Ontario at the expense of the said company or its assigns for an Act to alter the boundaries of the said municipality so as to bring the said lands of the said company within the said municipality and for an Act to legalize this indenture and the by-law hereinafter mentioned, and to authorize the doing of all things by the proper officers of the said company or its assigns, and the said municipality for the execution and carrying out of the conditions, terms, covenants and provisos of this indenture.

And the said company for itself and its assigns, covenants and agrees to and with the said municipality to pay all costs of and incidental to the said application for the said legislation, and of the submission to the vote of the ratepayers of the said municipality of the by-law hereinafter mentioned and of and incidental to the carrying out of the terms hereof.

And the said company for itself and its assigns hereby covenants and agrees to and with the said municipality that notwithstanding anything in the letters of incorporation of the said company contained or in any Act of the Legislature of the Province of Ontario applicable to the said company, the council of the said municipality, from time to time, shall be at liberty to appoint two directors of the said company in addition to the number of directors elected by the shareholders of the said company, such directors not necessarily being shareholders in the said company, and that each of the said directors so appointed shall have the power to vote at all meetings of the shareholders of the said company such votes to have the same force as if each of said directors held \$5,000 stock in said company, and that the said council of the said municipality shall be and is hereby empowered to appoint annually or oftener if the said council deem it advisable, an auditor with full power to examine and audit the books, papers and records of the said company or its assigns whenever instructed by the council so to do, and to report thereon to the said council.

Provided that the auditor so appointed may at any time, upon the instruction of the said council, examine and audit the said books, papers and records of the said company and of its assigns and report thereon to the said council. And the said municipality hereby covenants and agrees with the said company and its assigns that upon the issue by the said company of bonds amounting to \$25,000.00 with interest at the rate of four per centum per annum payable in twenty-five equal annual instalments of principal and interest, the said municipality will guarantee the payment of such bonds subject to the following provisos:

Provided always that at least \$15,000 of the capital stock of the said company shall be bona fide subscribed for and not less than \$10,000 paid in on such subscription and applied in payment of the said lands, buildings, plant and machinery of the said company or its assigns, and satisfactory evidence thereof furnished to said council before the said municipality may be required by the said company to so guarantee the payment of the said bonds.

Provided further that the money received from the sale of the said bonds shall be paid to the treasurer of the said municipality and that the treasurer shall receive the same in trust to pay all liens and incumbrances on the property of the said company or its assigns either real or personal, in so far as the same will extend, and to pay to the said company or its assigns, the balance of the said moneys (if any) after such payment of liens and incumbrances upon the order of the said municipal council, ~~but~~ such balance (if any) shall not be paid over by said treasurer until the said property real and personal of the said company is of at least the value of \$35,000 and free from all incumbrances. 

And the said municipality hereby agrees with the said company and its assigns that upon the said lands of the said company being brought within the boundaries of the said municipality the said company or its assigns will be exempt from taxes (except school taxes) therefor and for any other lands of the said company and for the buildings, plant and machinery of the said company or its assigns subject to the following provisos: Provided that all employees of the said company or its assigns, shall reside within the limits of the said municipality and that in default thereof such exemption from the payment of taxes shall from time to time and so often as any of the employees of the said company reside without the limits of the said municipality cease, and the said company, or its assigns shall then pay taxes as hereinafter provided.

Provided further that such exemption from the payment of taxes shall apply only to the real and personal property of the said company or its

assigns bona fide required, held and used by the said company or its assigns in and for the carrying on of the business of and incidental to a pork packing industry and not otherwise.

And it is further provided that such exemption from the payment of taxes shall not apply or extend to exempt from such taxes dwelling houses erected or hereafter erected on the lands of the said company or its assigns.

Provided further that so much of the property as would, if this agreement and the said by-law to be passed in pursuance hereof had not been executed and passed, be liable to assessment, shall annually be assessed in the usual way and rated and placed on the collector's rolls and the exemption hereby agreed to shall only take effect on the production to the mayor of the said municipality for the time being, on or before the first day of December in each year of a statutory declaration to be made by the president or managing director or manager of the said company or its assigns declaring that all employees of the said company or its assigns reside within the limits of the said municipality and have so resided during the preceding year or such part thereof as any such employee has been in the employ of the said company and that the real and personal property of the said company or its assigns is bona fide required, held and used by the said company or its assigns in and for the carrying on of the business of and incidental to a pork packing industry and not for any other purpose, and upon the mayor granting his certificate certifying the facts required to be set out in the said statutory declaration, the taxes and rates assessed and rated against the said lands, buildings, plant and machinery shall not be collected, except school taxes.

And the said company hereby for itself and its assigns covenants and agrees to and with said municipality to insure the buildings, plant and machinery of the said company or its assigns and to keep the same insured to their insurable value from time to time until the said bonds are fully paid and satisfied, in a company or companies to be approved of in writing, by the mayor and clerk of the said municipal council, and that the mortgage hereinafter mentioned shall contain a clause for such insurance, and such policy or policies shall be assigned to the said municipality and in the event of damage by fire the moneys payable under said policy or policies shall be payable to the said municipality and may by the said municipality be applied in restoring the building or buildings, plant or machinery so damaged, or held by the said municipality to pay the unpaid or unmatured bonds guaranteed by the said municipality as aforesaid according to the exigencies thereof in so far as the said moneys will extend, as may be directed by a vote of the ratepayers entitled to vote on railway bonus by-laws, to be taken. Provided that nothing herein contained shall effect any statutory right or privilege of said municipality as mortgagees.

Provided that in default of said company or its assigns effecting such insurance as hereinbefore required, the said municipality shall effect such insurance and pay the premium or premiums therefor, and any such payment of premium or premiums shall be charged by the said municipality against the said company or its assigns and shall bear interest at the rate of six per centum per annum, and shall be, together with said interest, collected from said company or its assigns as and for liquidated damages. And the said company for itself and its assigns covenants to repay the same.

And the said company hereby for itself and its assigns covenants and agrees with the said municipality to give to the said municipality a mortgage of the lands of the said company or its assigns a collateral security to the said municipality for its liability under the said guarantee of the said municipality of the said bonds of the said company and for the payment of any liability of the said company or its assigns to the said municipality hereunder, which mortgage shall contain the ordinary

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to confirm By-law No. 228 of the
Town of Palmerston.

First Reading, March 8th, 1899.
Second Reading, March 22nd, 1899.

*(Reprinted as amended by Private Bills
Committee.)*

MR. BROWN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 142.]

BILL.

[1899.

An Act respecting The Hamilton, Chedoke and Ancaster Electric Street Railway Company, Limited.

WHEREAS by letters patent under the Great Seal of the Province of Ontario, bearing date the fifth day of November in the year of our Lord one thousand eight hundred and ninety-six, certain persons therein named were granted a charter constituting them and such other persons as were then or might become shareholders in the proposed company, a body corporate and politic for the purposes and objects following, that is to say,—subject to the provisions of *The Act to authorize the construction of Street Railways* and to the consent of the municipalities interested to construct, maintain, build and operate by the motive power of electricity only an electric street railway within the limits of the said city of Hamilton and within the limits of the township of Barton and Ancaster, and in and by the said charter it was provided that the said company should be subject to the provisions of *The Act to authorize the construction of Street Railways* and the said company in prosecuting the purposes and objects of its incorporation might exercise the powers contained in the said Act and of all the privileges thereby conferred in so far as the provisions of *The Act to authorize the construction of Street Railways* did not conflict with the powers conferred by the said charter; and whereas the said company have represented by their petition that it is desirable to extend the powers of the said company among other things in the manner herein after set forth and to change the name of the said company

and to increase its capital stock ; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

5

Change of
name.

1. The name of the above named company is hereby changed from The Hamilton, Chedoke and Ancaster Electric Street Railway Company, Limited, to The Hamilton, Ancaster and Brantford Railway Company.

Increase of
capital stock.

2. The capital stock of the said company is hereby increased from \$100,000 to \$300,000. 10

Location of
line.

3. The said company under its new name is hereby authorized and empowered to survey, lay out, construct, make, build and alter, keep in repair and complete a railway from its present proposed terminus at Duff's Corners in the township of Ancaster, through the balance of the said township to and through the township of Brantford and thence to and into the city of Brantford, and a branch line from the main line to Sulphur Springs in the township of Ancaster and with power in addition to its present powers to equip and operate the same by steam, compressed air or electricity and with power to purchase or manufacture the necessary power to operate the said railway and to sell the surplus of any power for light, heat or power purposes. 15 20

Rights and
liabilities pre-
served.

4. Notwithstanding the increased power conferred upon the said company all the present rights of the company and of shareholders in the company are hereby preserved under its new name and all the liabilities incurred by the company under its present name are hereby preserved. 25

R.S.O. c. 203
incorporated
herewith.

5. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be a part of this Act and shall apply to the company and to the railway and branch to be constructed by them except so far as they may be inconsistent with the charter heretofore granted to the company and with the express enactments hereof. 30 35

Authority to
make agree-
ments with
other com-
panies.

6. Subject to the provisions of *The Electric Railway Act* and the charter incorporating the said company, the company shall have power to enter into any agreement with the Brantford Street Railway Company for the leasing, hiring or use by the company of the lands, tracks or structures of the Brantford Street Railway Company for entrance into the city of Brantford from Mohawk Park and also to make any similar agreement with The Hamilton Street Railway Company for entrance into the city of Hamilton over its tracks. 40 45

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Hamilton, Chedoke
and Ancaster Electric Street Railway
Company, Limited.

First Reading,	February, 1899.
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(Private Bill).

MT. DICKENSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 142.]

BILL.

[1899.]

An Act respecting The Hamilton, Chedoke and Ancaster Electric Street Railway Company, Limited.

WHEREAS by letters patent under the Great Seal of the Province of Ontario, bearing date the fifth day of November in the year of our Lord one thousand eight hundred and ninety-six, certain persons therein named were granted a charter constituting them and such other persons as were then or might become shareholders in the proposed company, a body corporate and politic for the purposes and objects following, that is to say,—subject to the provisions of *The Act to authorize the construction of Street Railways* and to the consent of the municipalities interested to construct, maintain, build and operate by the motive power of electricity only an electric street railway within the limits of the said city of Hamilton and within the limits of the township of Barton and Ancaster, and in and by the said charter it was provided that the said company should be subject to the provisions of *The Act to authorize the construction of Street Railways* and the said company in prosecuting the purposes and objects of its incorporation might exercise the powers contained in the said Act and of all the privileges thereby conferred in so far as the provisions of *The Act to authorize the construction of Street Railways* did not conflict with the powers conferred by the said charter; and whereas the said company have represented by their petition that it is desirable to extend the powers of the said company among other things in the manner hereinafter set forth and to change the name of the said company

Preamble.

and to increase its capital stock ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Change of
name.

1. The name of the above named company is hereby changed from The Hamilton, Chedoke and Ancaster Electric Street Railway Company, Limited, to The Hamilton, Ancaster and Brantford Railway Company.

Increase of
capital stock.

2. The capital stock of the said company is hereby increased from \$100,000 to \$300,000.

Location of
line.

3. The said company is hereby authorized and empowered to survey, lay out, construct, make, *build*, complete, alter and keep in repair a railway to be operated by electricity or compressed air with single or double iron or steel tracks from its present proposed terminus at Duff's Corners in the township of Ancaster in the county of Wentworth, thence in a westerly direction through the said township of Ancaster and the township of Brantford in the county of Brant, passing through or near the unincorporated villages of Alberton, Echo Place, and Cainsville, and thence to and into the city of Brantford by way of Mohawk Park, and a branch line of the said railway from some point on the main line of the said railway at or near the village of Ancaster to the locality known as Sulphur Springs in the said township of Ancaster, and the railway or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act* contained, and under and subject to any agreements *heretofore or* hereafter to be made between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways ; and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act* and in *The Municipal Act* and in any Act or Acts amending the same, and this section and the powers hereby given shall apply to that portion of said railway already authorized to be constructed. ⁶⁴

Rights and
liabilities pre-
served.

4. Notwithstanding the increased power conferred upon the said company all the present rights of the company and of shareholders in the company are hereby preserved under its new name and all the liabilities incurred by the company under its present name are hereby preserved.

5. The several clauses of *The Electric Railway Act* and of every Act in amendment thereof shall be incorporated with and be deemed to be a part of this Act and shall apply to the company and to the railway and branch to be constructed by them except *only* so far as they may be inconsistent with the charter heretofore granted to the company and with the express enactments hereof.

R.S.O. c. 209
incorporated
herewith.

6. Subject to the provisions of *The Electric Railway Act* and the charter incorporating the said company, the company shall have power to enter into any agreement with the Brantford Street Railway Company for the leasing, hiring or use by the company of the lands, tracks or structures of the Brantford Street Railway Company for entrance into the city of Brantford from Mohawk Park and also to make any similar agreement with The Hamilton Street Railway Company ~~or~~ The Hamilton and Dundas Railway Company ~~or~~ for entrance into the city of Hamilton over *their* tracks.

Authority to
make agree-
men's with
other com-
panies.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act respecting the Hamilton, Chedoke
and Ancaster Electric Street Railway
Company, Limited.

First Reading, 28th February, 1899.

*(Reprinted as Amended by the Railway
Committee.)*

Mr. DICKENSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 143.]

BILL.

[1899.]

An Act respecting the Town of Peterborough.

WHEREAS by the Act of Parliament of Canada, passed in Preamble.
the 24th year of Her Majesty's reign, chapter 61, it was
amongst other things enacted, that it should not be lawful for
the Corporation of the Town of Peterborough to incur any
5 further liability than as therein provided, except for current
expenses, to be paid out of the annual assessment, without the
sanction of the Legislature ; and whereas the said corporation
have by their petition prayed for the passing of an Act to con-
firm the by-laws of the said corporation hereinafter mentioned,
10 relating to the William Hamilton Manufacturing Company,
Limited, and to enable the corporation to acquire and develop
water power on the waters of the river Otonabee, and to
transmit and supply electric light, heat and power and to
authorize the issue of debentures of the said corporation for
15 the purposes aforesaid and for the purchase of water works,
and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

20 1. By-law number 838 of the said corporation, passed on
the 7th day of November, 1898, entitled " A by-law to aid the
William Hamilton Manufacturing Company, Limited," and
by-law number of the said corporation, passed on the
27th day of February, 1899, entitled " A by-law to partially
25 exempt from taxation the manufacturing establishment of the

Certain by-
laws con-
firmed.

William Hamilton Manufacturing Company, Limited, and to stop up and convey to the said company that part of Downie street and the line of the Grand Trunk Railway Company," are hereby confirmed and declared legal, valid and binding, according to the true intent and meaning thereof. 5

Authority to
develop water
power and
purchase land.

2. It shall and may be lawful for the said corporation to acquire, develop and improve water power on the waters of the river Otonabee at any point or points in the County of Peterborough, together with such lands as they may deem necessary or advantageous for the purposes and objects of this 10 Act, and to purchase and acquire on such terms as may be agreed on or determined, and to maintain and manage the water works of the Peterborough Water Company and the dam and water power and the lands and buildings and other property in connection therewith and such other lands as the 15 corporation may deem necessary or advantageous, and the plant of any electric light or power company, and to erect or purchase buildings or machinery and poles, wires and other appliances, and to transmit and supply electric light, heat and power on such terms and conditions as the council may from 20 time to time determine, and to exercise as applied to the purposes and objects of this Act the powers conferred upon municipalities by *The Municipal Light and Heat Act* and by *The Municipal Water Works Act*.

Authority to
pass by-laws
to raise
money.

3. Notwithstanding anything contained in the said Act of 25 the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chapter 61, or any other statute affecting the Town of Peterborough, it shall and may be lawful for the Council of the Town of Peterborough to pass by-laws for the purpose of raising money for the purposes aforesaid or any of 30 them, provided that any such by-law shall be submitted to and receive the assent of the electors of the said town in manner provided by *The Municipal Act*, and any debentures issued under this Act shall be deemed to be in addition to the debentures authorized by the Act of the Legislative Assembly 35 of the Province of Ontario, passed in the 53rd year of Her Majesty's reign, chapter 99.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Peterborough.

First Reading, 16th February, 1899.

(Private Bill.)

MR. STRATTON.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 143.]

BILL.

[1899.]

An Act respecting the Town of Peterborough.

 WHEREAS by the Act of Parliament of Canada, passed in Preamble. the 24th year of Her Majesty's reign, chapter 61, it was amongst other things enacted, that it should not be lawful for the Town of Peterborough to incur any further liability than as therein provided, except for current expenses, to be paid out of the annual assessment, without the sanction of the Legislature; and whereas the said Corporation have by their petition prayed for the passing of an Act to confirm the by-laws of the said corporation hereinafter mentioned, relating to the William Hamilton Manufacturing Company, Limited, and to enable the corporation to acquire and develop water-power on the waters of the River Otonabee, in the Town of Peterborough or in the Townships of Smith and Douro as far north but not including the dam known as the Nassau dam on the said river, and to transmit and supply electric light and heat for Municipal purposes only and power for all purposes except commercial or private lighting, and to authorize the issue of debentures of the said corporation for the purposes aforesaid and for the purchase of waterworks, and it is expedient to grant the prayer of the said petition; 

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-law number 838 of the said corporation, passed on the 7th day of November, 1898, entitled "A by-law to aid the Certain by-laws confirmed.

William Hamilton Manufacturing Company, Limited," and by-law number 851 of the said corporation, passed on the 27th day of February, 1899, entitled "A by-law to partially exempt from taxation the manufacturing establishment of the William Hamilton Manufacturing Company, Limited, and to stop up and convey to the said company that part of Downie street and the line of the Grand Trunk Railway Company," are hereby confirmed and declared legal, valid and binding, according to the true intent and meaning thereof.

Authority to
develop water
power and
purchase land.

2. It shall and may be lawful for the said corporation to acquire, develop and improve waterpower on the waters of the River Otonabee at any point thereon south of and in no way using power obtained from the dam known as the Nassau dam on the said River Otonabee, together with such lands as may be necessary for the purposes and objects of this Act; and to purchase and acquire by agreement or by expropriation proceedings such lands as may be necessary for the purposes aforesaid and the plant of any electric light or power company together with such lands as may be necessary for the purposes and objects of this Act; and to maintain and manage the waterworks of the Peterborough Water Company and the dam and waterpower and the lands and buildings and other property in connection therewith; and to erect or purchase buildings or machinery and poles, wires and other appliances and to transmit and supply electric light and heat for municipal purposes only and to transmit and supply any surplus power for all purposes except commercial or private lighting on such terms and conditions as the council may from time to time determine and to exercise as applied to the purposes and objects of this Act the powers conferred upon municipalities by *The Municipal Light and Heat Act* and by *The Municipal Waterworks Act*.

Authority to
pass by-laws
to raise
money.

(1) Provided that before said corporation shall engage in municipal lighting under this Act, they shall purchase either by agreement or arbitration the street lighting plant of the company at the time supplying the municipal lighting of the town, and provided further that this Act shall not be construed as cancelling any existing contract.

3. Notwithstanding anything contained in the said Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chapter 61, or any other statute affecting the Town of Peterborough, it shall and may be lawful for the Council of the Town of Peterborough to pass by-laws for the purpose of raising money for the purposes aforesaid or any of them, provided that any such by-law shall be submitted to and receive the assent of the electors of the said town in manner provided by *The Municipal Act*, and any debentures issued under this Act shall be deemed to be in addition to the debentures authorized by the Act of the Legislative Assembly

of the Province of Ontario, passed in the 53rd year of Her Majesty's reign, chapter 99.

~~420~~ 4. It shall and may be lawful for the said Town of Peterborough by by-law passed with the assent of the electors in the manner provided by *The Municipal Act* and upon such terms and conditions as may be provided by such by-law, to assist the Corporation of the County of Peterborough in rebuilding the bridge across Chemong Lake, by payment of a bulk sum not exceeding \$3,000 or by by payment of an annual sum not exceeding \$200 a year for a term not exceeding twenty years. ~~761~~

Authority to
pass by-law
for rebuilding
of bridge.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Peterborough.

First Reading, 16th February, 1899.

*(Reprinted as amended by Private Bills
Committee)*

MR. STRATTON.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 143.]

BILL.

[1899.]

An Act respecting the Town of Peterborough.



WHEREAS by the Act of Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, it was amongst other things enacted, that it should not be lawful for the Town of Peterborough to incur any further liability than as therein provided, except for current expenses, to be paid out of the annual assessment, without the sanction of the Legislature; and whereas the said Corporation have by their petition prayed for the passing of an Act to confirm the by-laws of the said corporation hereinafter mentioned, relating to the William Hamilton Manufacturing Company, Limited, and to enable the corporation to acquire and develop water-power on the waters of the River Otonabee, in the Town of Peterborough or in the Townships of Smith and Douro as far north but not including the dam known as the Nassau dam on the said river, and to transmit and supply electric light and heat for Municipal purposes only and power for all purposes except commercial or private lighting, and to authorize the issue of debentures of the said corporation for the purposes aforesaid and for the purchase of waterworks, and it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. By-law number 838 of the said corporation, passed on the 7th day of November, 1898, entitled "A by-law to aid the

Certain by-laws confirmed.

William Hamilton Manufacturing Company, Limited," and by-law number 851 of the said corporation, passed on the 27th day of February, 1899, entitled "A by-law to partially exempt from taxation the manufacturing establishment of the William Hamilton Manufacturing Company, Limited, and to stop up and convey to the said company that part of Downie street¹² in the Town of Peterborough between Murray street¹³ and the line of the Grand Trunk Railway Company," are hereby confirmed and declared legal, valid and binding, according to the true intent and meaning thereof.

Authority to
develop water
power and
purchase land.

¹²2. It shall and may be lawful for the said corporation to acquire, develop and improve waterpower on the waters of the River Otonabee at any point thereon south of and in no way using power obtained from the dam known as the Nassau dam on the said River Otonabee, together with such lands as may be necessary for the purposes and objects of this Act; and to purchase and acquire by agreement or by expropriation proceedings such lands as may be necessary for the purposes aforesaid and the plant of any electric light or power company together with such lands as may be necessary for the purposes and objects of this Act; and to maintain and manage the waterworks of the Peterborough Water Company and the dam and waterpower and the lands and buildings and other property in connection therewith; and to erect or purchase buildings or machinery and poles, wires and other appliances and to transmit and supply electric light and heat for municipal purposes only and to transmit and supply any surplus power for all purposes except commercial lighting or private lighting on such terms and conditions as the council may from time to time determine and to exercise as applied to the purposes and objects of this Act the powers conferred upon municipalities by *The Municipal Light and Heat Act* and by *The Municipal Waterworks Act*.

¹³(1) Provided that before said corporation shall engage in municipal lighting under this Act, they shall purchase at a price to be determined either by agreement or arbitration the poles, wires, lamps and other appliances used on the streets of the town only belonging to the company at the time supplying the municipal lighting of the town; provided further that unless such company shall on application made by the corporation agree to sell such poles, wires, lamps and other appliances, at their actual value at the time to be determined by arbitration, if the parties fail to agree upon the price, this restriction shall not be binding upon the corporation; and provided further that this Act shall not be construed as cancelling any existing contract. ¹⁴

Authority to
pass by-laws
to raise
money.

3. Notwithstanding anything contained in the said Act of the Parliament of Canada, passed in the 24th year of Her Majesty's reign, chaptered 61, or any other statute affecting the

Town of Peterborough, it shall and may be lawful for the Council of the Town of Peterborough to pass by-laws for the purpose of raising money for the purposes aforesaid or any of them, provided that any such by-law shall be submitted to and receive the assent of the electors of the said town in manner provided by *The Municipal Act*, and any debentures issued under this Act shall be deemed to be in addition to the debentures authorized by the Act of the Legislative Assembly of the Province of Ontario, passed in the 53rd year of Her Majesty's reign, chaptered 99.

⁴²⁷4. It shall and may be lawful for the said Town of Peterborough by by-law passed with the assent of the electors in the manner provided by *The Municipal Act* and upon such terms and conditions as may be provided by such by-law, to assist the Corporation of the County of Peterborough in rebuilding the bridge across Chemong Lake, by payment of a bulk sum not exceeding \$3,000 or by payment of an annual sum not exceeding \$200 a year for a term not exceeding twenty years. ^{Authority to pass by-law for rebuilding of bridge.}

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Town of Peterborough.

First Reading, 16th February, 1899.
Second Reading, 15th March, 1899.

(Reprinted as amended in Committee of the Whole.)

MR. STRATTON.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 144.]

BILL.

[1899.]

An Act to incorporate the Toronto Elevated Railway Company.

WHEREAS Charles Millar, barrister-at-law ; George Earland Broadfield, merchant ; both of the city of Toronto ; John Wilkie Moyes, of the township of York, manager of the Metropolitan Railway Company ; and George Ira Mallory, of the town of Brockville, esquire, have by their petition prayed for an Act of incorporation for the purpose of enabling them to construct and operate elevated railways and also surface street railways within the city of Toronto and adjoining municipalities and to extend the same to and through other municipalities within the county of York ; and whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

- 15 1. The said Charles Millar, George Earland Broadfield, John Wilkie Moyes and George Ira Mallory together with all such other persons, firms or corporations as shall become shareholders in the company hereby incorporated shall be and are hereby constituted a body corporate and politic by the name of
- 20 "The Toronto Elevated Railway Company," hereinafter called the company.

Incorporation.

Power to erect
elevated and
surface street
railways.

2. Subject to the consent of any municipality affected the company shall have power and authority under this Act to construct, equip, maintain and operate an elevated railway or surface street railway, or both of them or a system or systems of each in the city of Toronto and adjoining municipalities and extend the same to and through other municipalities within the county of York. 5

Gauge.

3. The gauge of such railway or railways shall be four feet eight and one-half inches.

Provisional
directors.

4. The persons named in section one of this Act with power to add to their number shall be and are hereby constituted a board of provisional directors of the company of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. 10

Capital stock.

5. The capital stock of the company shall be \$500,000 divided into 5,000 shares of \$100.00 each. 10

Borrowing and
bonding powers.

6. The company shall not issue bonds for or otherwise borrow more than \$15,000 per mile of single track of surface railway and \$30,000 per mile of double track surface railway that may be constructed by the company. 20

(1) The amount of bonds that the company may issue with respect to elevated railways shall be from time to time determined by the Lieutenant-Governor-in-Council.

61 V. c 66,
except s. 1
incorporated.

7. All the provisions of the Act passed in the 61st year of Her Majesty's reign chaptered 66 entitled *An Act to Incorporate The Toronto and York Radial Railway Company* excepting section 1 thereof shall be deemed to be incorporated with and form part of this Act in so far as the same is not inconsistent with the special provisions of this Act. 25

Rev. Stat. c
209 with cer-
tain excep-
tions incor-
porated.

8. In so far as the same are not inconsistent with the special provisions of this Act and the said chapter 66 of 61 Victoria all of the provisions of *The Electric Railway Act* excepting subsection 3 of section 57 and sections 49, 50 and 51 thereof shall apply to the company. 30

An Act to incorporate the Toronto Elevated
Railway Company.

(Private Bill.)

PRINTED BY L. K. CAMERON,
Printer to Her Most Excellent Majesty.

An Act respecting The Toronto Railway Company,

WHEREAS doubts have arisen as to the meaning of cer- Preamble
tain of the conditions of sale incorporated in an agree-
ment between the corporation of the City of Toronto, of the
first part, and George W. Kiely, William Mackenzie, Henry A.
5 Everett and Chauncey C. Woodworth, of the second part,
which appears as Schedule A to an Act of the Legislature
of this Province passed in the 55th year of Her Majesty's
reign and chaptered 99, by section 2 of which Act the above
recited parties of the second part with such other persons or
10 corporations as should become shareholders thereof were con-
stituted a body corporate and politic under the name of "The
Toronto Railway Company" hereinafter called "the Company"
and whereas the Company has not complied with the provis-
ions of the said conditions of sale according to the true intent
15 and meaning thereof; and whereas certain of the residents,
citizens and ratepayers of the said City have petitioned that
an Act may be passed interpreting and amending the said con-
ditions of sale thereby granting the desired relief; and where-
as the council of the said corporation have joined in the said
20 petition; and whereas it is expedient to grant the prayer of
the said petition;

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows:—

- 25 1. When required to establish and lay down a new line or New li es.
lines of street railway or extend any existing line under sect-

ion 14 of the above mentioned conditions of sale, the company shall not, unless thereunto authorized by a vote passed by two-thirds of all the members of the city council, construct any portion of such new line or lines or such extension and abandon or not construct the balance thereof; and if the company makes default in the construction or operation of any part of such line or lines it shall forfeit its right to construct or operate or possess such line or lines or extension or any part or parts thereof, and the company shall in such case have no claim against the city for compensation. 5 10

Sec. 33 of condition of sale amended

2. Section 33 of said conditions of sale is hereby amended by adding thereto after the word "limits" in the fourth line of said section, the words " and the payment of such fare shall entitle the passenger to such continuous ride notwithstanding that a portion or portions of such ride is required to be made 15 after midnight on a night car or cars.

Design of car to be determined by City Engineer

3.—(1) The design of the cars on said railway shall be such as may be from time to time fixed and determined by the city engineer or such other officer or person as the city council may appoint and such design when approved by the city council shall be binding on the company, and no car not of a design so approved shall be used for the carriage of passengers by the company. 20

Penalty

(2) A fine of \$10,000 may be recovered from the Company for every contravention of this section. 25

Overcrowding of cars

4.—(1) Cars are not to be overcrowded. The number of passengers to be carried by each class of cars shall be such as the city council may from time to time by by-law determine.

Authority to pass certain by-laws

(2) The said council may also pass, amend, repeal or reenact by-laws from time to time for enforcing compliance with this section and for inflicting a fine not exceeding \$50 exclusive of costs upon the company or upon any of its servants for such contravention of any provision of any such by-law, and a contravention of any such provision by any servant of the company shall be deemed a contravention by the company within the meaning of this Act. 30 35

Ratepayers authority to bring action

5. In addition to all other remedies herein provided, any ratepayer or resident of the said city shall be entitled in his own name to bring action in the High Court of Justice and obtain an injunction restraining the purchaser from operating said cars in contravention of the provisions of this Act upon any and every breach thereof by the purchaser. 40

Intervals at which cars shall run.

6.—(1) Day cars and night cars shall be run on all routes at such intervals as the city engineer may from time to time appoint. 45

Penalty.

(2) A fine not exceeding \$10,000 may be recovered from the company for any contravention of this section.

2nd Session, 9th Legislature, 62 Viet. 1899.

BILL.

An Act respecting The Toronto Railway Company.

First Reading	1899.
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(Private Bill.)

Mr. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 146.]

BILL.

[1899.

An Act respecting the town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, Tagona Water and Light Company, and others.

WHEREAS the corporation of the town of Sault Ste. Marie, Preamble.
the Lake Superior Power Company, the Sault Ste. Marie
Pulp and Paper Company, Tagona Water and Light Company,
Francis Hector Clergue and Edward V. Douglas have by their
5 petition prayed for an Act confirming by-law No. 395 of the
town of Sault Ste. Marie, dated the 24th day of February, 1899,
and an agreement made in pursuance thereof between the said
petitioners and bearing date the 24th day of February, 1899;
and whereas it is expedient to grant the prayer of the said
10 petition.

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The agreement between the corporation of the town of Agreement
15 Sault Ste. Marie, the Lake Superior Power Company, the confirmed.
Sault Ste. Marie Pulp and Paper Company, Tagona Water
and Light Company, Francis Hector Clergue and Edward V.
Douglas, dated the 24th day of February, 1899, which agree-
ment is set out in schedule A to this Act, is hereby confirmed
20 and declared to be valid and effective in all respects and to be
binding upon the parties thereto.

By-law No.
395 of Sault
Ste. Marie
confirmed.

2. By-law No. 395 of the said town of Sault Ste. Marie, dated the 24th day of February, 1899, under which the said agreement was executed on behalf of the said town and which by-law is set out in schedule B to this Act, is hereby confirmed and declared to be valid and legal and to be binding upon the corporation of the said town. 5

Certain
streets closed.

3. The following portions of John and Portage streets in the said town of Sault Ste. Marie, namely, John street from Superior street to Portage street, and Portage street from the production southerly of the west limit of Andrew street to the production southerly of the east limit of Hudson street, excepting where it crosses Huron street, are hereby declared to be closed as highways, and the said corporation are hereby empowered to grant the same to the Lake Superior Power Company without previously taking the proceedings required by *The Municipal Act* for closing the said portions of said streets. 10 15

Certain agree-
ments con-
tinued in
force.

4. The agreements set out in the schedules to the Act, passed by the Legislature of Ontario in the 58th year of Her Majesty's reign, and chaptered 119, are to continue in full force and effect except so far as they are modified or altered by the agreement above mentioned. 20

BILL.

An Act respecting the town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, Tagona Water and Light Company, and others.

First Reading.	, 1899.
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(Private Bill.)

Mr. FARWELL.

No. 146.]

BILL.

[1899.]

An Act respecting the town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, The Tagona Water and Light Company, and others.

WHEREAS the corporation of the town of Sault Ste. Marie, Preamble.
the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, *The Tagona Water and Light Company*, Francis Hector Clergue and Edward V. Douglas have by their petition prayed for an Act confirming by-law No. 395 of the town of Sault Ste. Marie, dated the 24th day of February, 1899, and an agreement made in pursuance thereof between the said petitioners and bearing date the 24th day of February, 1899; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement between the corporation of the town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, Tagona Water and Light Company, Francis Hector Clergue and Edward V. Douglas, dated the 24th day of February, 1899, which agreement is set out in schedule A to this Act, is hereby confirmed and declared to be valid and effective in all respects and to be binding upon the parties thereto. Agreement confirmed.

By-law No.
395 of Sault
Ste. Marie
confirmed.

2. By-law No. 395 of the said town of Sault Ste. Marie, dated the 24th day of February, 1899, under which the said agreement was executed on behalf of the said town and which by-law is set out in schedule B to this Act, is hereby confirmed and declared to be valid and legal and to be binding upon the corporation of the said town.

Certain
streets closed.

3. The following portions of John and Portage streets in the said town of Sault Ste. Marie, namely, John street from Superior street to Portage street, and Portage street from the production southerly of the west limit of Andrew street to the production southerly of the east limit of Hudson street, excepting where it crosses Huron street, are hereby declared to be closed as highways, and the said corporation are hereby empowered to grant the same to the Lake Superior Power Company without previously taking the proceedings required by *The Municipal Act* for closing the said portions of said streets.

Certain agree-
ments con-
tinued in
force.

4. The agreements set out in the schedules to the Act, passed by the Legislature of Ontario in the 58th year of Her Majesty's reign, and chaptered 119, are to continue in full force and effect except so far as they are modified or altered by the agreement above mentioned.

Certain lia-
bilities not
relieved.

5. ~~Nothing~~ Nothing in this Act contained shall have the effect of relieving the said companies and the said Francis Hector Clergue and Edward V. Douglas, or any of them, or any of their lands or other properties, from any liability in respect of the consolidated debentures of the said Town of Sault Ste. Marie which they now are under by virtue of the provisions of Chapter 119 of 58 Victoria, or otherwise.

SCHEDULE A.

This agreement made in duplicate this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and ninety-nine, between the Corporation of the Town of Sault Ste. Marie, hereinafter called "the corporation," of the first part, the Lake Superior Power Company, hereinafter called "the Power Company," of the second part, the Sault Ste. Marie Pulp and Paper Company, hereinafter called "the Pulp Company," of the third part, Tagona Water and Light Company, hereinafter called "the Water Company," of the fourth part, and Francis Hector Clergue, of the City of New York, in the State of New York, manufacturer, and Edward V. Douglas, of the City of Philadelphia, in the State of Pennsylvania, Esquire. the parties, of the fifth part.

Whereas certain agreements have been entered into between certain of the parties hereto, which agreements are recited in full in the schedule to the Act passed by the Legislature of Ontario in the 58th year of Her Majesty's reign and chaptered 119 :

And whereas certain disputes have arisen between the parties hereto concerning some of the matters dealt with and intended to be covered by the said agreements or some of them ;

And whereas the power company did in the year 1895 purchase certain tracts of land within the said corporation lying between Portage, Superior, Hudson and Andrew streets, and containing eighteen acres more or less, and claims that the said land from the date of purchase thereof has not been liable to taxation by the corporation for any purposes whatsoever, and the corporation claims that such land is not in any way exempted from such taxation ;

And whereas the corporation have recently assessed all the said companies together for the purpose of levying school taxes upon their property lying south of Superior and Queen streets in said corporation, and the said companies deny the right of the corporation to levy such school taxes upon their said property, claiming that the same is exempt from such taxation by virtue of the agreements firstly above mentioned ;

And whereas the corporation claims the sum of one thousand eight hundred and seventy dollars (\$1 870) from the power company as interest from the 24th day of November, 1894, to the 1st day of September, 1898, on six thousand four hundred and thirty-seven dollars and fifty cents (\$6,437.50) of the purchase price of two hundred and sixty thousand dollars (\$260,900) which the said parties of the fifth part agreed to pay to the corporation for the stock held by the corporation in the power company, and the corporation also claims the sum of one hundred and seventeen dollars (\$117) from the power company and the water company as damages payable by them in connection with an alleged breach by the water company of their contract with the corporation in not leaving the streets in said corporation as they were required to do after completing their contract for laying water mains along said streets ;

And whereas the water company and the power company claim from the corporation the sum of three thousand six hundred and thirteen dollars and nineteen cents (\$3,613 19) and interest thereon, as well as a further sum for interest as the balance owing by the corporation for water and light, and interest in connection therewith up to the 1st day of September, 1898 ;

And whereas it is the object and intention of this agreement to settle and determine the disputes and differences above mentioned, and for that purpose the parties hereto have agreed to execute these presents ;

And whereas the said companies and the parties of the fifth part have required that as a condition of their entering into this agreement the corporation should as soon as possible, and within the time and in the manner prescribed by law therefor, cause to be closed the following portions of John and Portage streets in said town, namely : John street from Portage street to Superior street, and Portage street from the production southerly of the east limit of Hudson street to the production southerly of the west limit of Andrew street, except where it crosses Huron street, and that said portions of John and Portage streets should be granted to the power company, and the corporation has agreed thereto ;

Now this agreement witnesseth that in consideration of the premises the parties hereto have respectively agreed with each other as follows :—

1. The corporation and the three companies above mentioned covenant and agree with each other that the total taxes which shall for the year 1899 and each of the next following nine years be levied against the said three companies, and also against any other persons, companies, firms or corporations which may become lessees of the said companies, or any of them, or erect mills or works of any description on the property of any of the said companies for manufacturing, milling, or other purposes, upon or with respect to their property whether real or personal, or their capital stock, or for income, or for other purposes whatsoever, shall together be five thousand dollars (\$5,000) per annum and no more, and that the said sum of five thousand dollars per annum shall include all school taxes and

local improvement rates payable by them or any of them in each of the said years, as well as all other taxes, rates and assessments of every description which might otherwise be levied upon or payable by them or any of them; the income of employees of the said companies, firms, persons or corporations shall be liable to taxation as if this agreement had not been executed.

2. The mains, pipes, poles, wires, connections and electrical and other apparatus, and all other the plant and works of the Tagona Water and Light Company wherever the same may be situate in the said town shall also be deemed to be included in the property upon or with respect to which the said annual tax of \$5,000 for the year 1899 and next following nine years is payable.

3. It is hereby declared by and understood and agreed between the parties hereto that in case the said companies or either of them should hereafter during the year 1899, or in the next following nine years, acquire any property within the said corporation in addition to what they or any of them already own or hold, such property so acquired shall immediately from and after the date of purchase thereof be deemed to be included in the property of the said companies upon which the said annual taxes of five thousand dollars are paid or to be paid by the said companies so long as they are used as dwellings or as a residence by some of the officers or employees of said companies, or otherwise in connection with their operations, and the fact that they are so used shall not render them liable to separate taxation during said term.

4. It is also expressly understood and agreed by and between the parties hereto that in case the said companies or either of them should hereafter during the year 1899, or in the next following nine years, acquire any property within the said corporation in addition to what they or any of them already own or hold, such property so acquired shall immediately from and after the date of purchase thereof be deemed to be included in the property of the said companies upon which the said annual taxes of five thousand dollars are to be paid as aforesaid by the said companies; provided, however, that such property lies to the south of Superior and Queen streets in said town, and in case it lies to the north of Superior or Queen streets it shall not be deemed to be included in the land on which said annual tax of five thousand dollars is payable until it is actually used for or in connection with milling, manufacturing, industrial, transportation or other purposes, but shall until so used be liable to taxation as if this agreement had not been executed, but upon its being and continuing to be so used it shall be deemed to be included in the lands and property upon which said annual tax of \$5,000 is payable; but property hereafter acquired lying south of Queen street and east of Andrew street produced south shall not be so included until it is used for or in connection with the above purposes or some of them.

5. It is agreed that except as to the "Block House" above mentioned and the south 165 feet of lot 18 North Portage street, buildings which are used as dwellings or for the sale of merchandise to the public upon the property of the said companies, even should they lie south of Superior street shall be liable to separate taxation while so used.

6. It is hereby declared and agreed by and between the parties hereto that subject to the provisions of paragraph "5" hereof, the said sum of \$5,000 to be paid annually for taxes as aforesaid shall be paid to and accepted by the corporation in full of all taxes, including school taxes which might be levied upon or payable with respect to any and all of the property whether real or personal of any and all of the companies, persons, firms and corporations mentioned in paragraph "1" hereof which may lie or be located or situated to the south of Superior and Queen streets in said town whether the same or any part thereof be vacant land or land covered with water or not, and whether it be actually used for or in connection with milling, manufacturing or other similar purposes or not.

7. All mills, manufactories and other improvements erected upon lands hereafter acquired as mentioned in paragraph "4" hereof shall be deemed to be included in the property upon which the said annual tax of \$5,000 is to be payable.

8. The corporation agrees that it will as soon as possible cause to be duly closed the portions of John and Portage streets above mentioned, and will forthwith convey the same in fee simple to the power company free from all incumbrances, without charge in any way to the said companies or parties of the fifth part therefor and without requiring any compensation for so doing.

9. The said three companies above mentioned covenant and agree to pay to the corporation as soon as it has duly closed the portions of streets above mentioned, and granted in fee simple the acres of land included therein to the power company, the sum of five thousand dollars in full payment and satisfaction of all taxes including school taxes claimed or which might be claimed by the corporation as owing from the said three companies and from the Algoma Iron Works (which is owned by the Pulp Company) up to the 31st day of December, 1898, and also of all taxes, including school taxes which are or might be claimed as owing to the corporation upon or with respect to any of the lands or properties of the said companies or either of them, including the said land lying between Portage, Superior, Hudson and Andrew streets up to the 31st day of December, 1898, and the corporation hereby agrees to accept the said sum of five thousand dollars in full payment and satisfaction of all such taxes claimed or which might be claimed by it as owing up to the 31st day of December, 1898, including school taxes.

10. The corporation agrees that it will join said Companies but without expense in securing such legislation as may be required or desired by said Companies in order to confirm and ratify this agreement, and until such legislation is secured the said annual taxes of \$5,000 for 1899 and following years shall not be payable unless security satisfactory to said Companies shall be furnished them by the corporation that their annual taxes shall not exceed \$5,000 during the term of ten years above mentioned.

11. The corporation covenants and agrees to indemnify and save harmless the said companies and all other persons, firms, companies and corporations mentioned in paragraph "1" hereof, from their being in any of said years liable to pay together for school taxes and other taxes of whatsoever nature or kind any sum excepting the annual sum of five thousand dollars above named upon their property whether real or personal, or their capital stock or for income or otherwise howsoever.

12. It is agreed that wherever the word "taxes" is mentioned in this agreement it shall include school taxes as well as all other taxes, rates and assessments.

13. Excepting as to the taxes to be paid to the corporation as aforesaid the corporation releases and discharges the said three companies and the parties of the fifth part and each of them of and from all claims demands, accounts and every other liability of whatsoever nature or kind which it may have against them or any of them, whether accrued or accruing, up to the first day of September, A.D. 1898, by reason of any matter or thing whatsoever whether the same be herein specially referred to or not and the said three companies and the parties of the fifth part release and discharge the corporation of and from all claims, demands, accounts and every other liability of whatsoever nature or kind which they or any of them may have or be entitled to against the corporation whether accrued or accruing up to the first day of September, 1898, for or by reason of any cause or matter whatsoever whether the same be herein specially referred to or not, it being the intention of this agreement that except as to taxes as above mentioned, this agreement shall effectually and forever settle and dispose of all accounts, matters and differences between the corporation on one hand and the said companies and the parties of the fifth part on the other hand, whether accrued or accruing up to the first day of September, 1898, the accounts which they may have against each other respectively subsequent to the first day of September, 1898, not being dealt with in this agreement except as to taxes as above mentioned.

In witness whereof the parties hereto have duly executed these presents.

Signed, sealed and delivered in the presence of.	(Sgd.) W. H. PLUMMER, Mayor,	[Town Seal.]
	(Sgd.) J. BASSINGTHWAITE, Clerk.	
(Sgd.) N. SIMPSON,	(Sgd.) THE LAKE SUPERIOR POWER COMPANY,	
As to execution by the Corporation and of	(Sgd.) F. H. CLERQUE,	Vice-President.
		[Company's Seal.]
C. P. WORTHINGTON,	(Sgd.) THE SAULT STE. MARIE PULP AND PAPER COMPANY,	
As to execution by said Companies and the parties of the fifth part.	(Sgd.) F. H. CLERQUE,	President.
		[Company's Seal]
	(Sgd.) TAGONA WATER AND LIGHT COMPANY,	
	(Sgd.) F. H. CLERQUE, President,	[Companies Seal]
	(Sgd.) FRANCIS H. CLERQUE,	[L.S.]
	(Sgd.) E. V. DOUGLAS,	[L.S.]

BY-LAW. No. 395.

To authorize the mayor and clerk of the Town of Sault Ste. Marie to execute a certain agreement between the corporation of the Town of Sault Ste. Marie of the one part and the Lake Superior Power Company and others of the other parts.

Whereas it has been proposed to settle all differences between the town and the Lake Superior Power Company and its associates by certain concessions on the part of all parties concerned especially as to taxation for school and other purposes,

And whereas the council deem it expedient to authorize the execution of said agreement,

Therefore the council of the Town of Sault Ste. Marie enacts as follows .

That the mayor and clerk of said Town of Sault Ste. Marie be authorized and they are hereby authorized to execute a certain agreement dated the twenty-fourth day of February, 1899, and made between the corporation of the Town of Sault Ste. Marie of the first part, the Lake Superior Power Company of the second part, the Sault Ste. Marie Pulp and Paper Company of the third part, Tagona Water and Light Company of the fourth part and Francis Hector Clergue and Edward V. Douglas of the fifth part under the Seal of the said corporation of the Town of Sault Ste. Marie aforesaid.

Read a first, second and third time and finally passed in open council this twenty-fourth day of February, 1899.

{ Town }
{ Seal. }

(Signed) W. H. PLUMMER,
Mayor.

(Signed) J. BASSINGWAGTE,
Clerk.

BILL.

An Act respecting the town of Sault Ste. Marie, the Lake Superior Power Company, the Sault Ste. Marie Pulp and Paper Company, Tagona Water and Light Company, and others.

First Reading, 8th March, 1899.

*(Reprinted as amended by Committee on
Private Bills.)*

Mr. FARWELL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 147.]

BILL.

[1899.

An Act to revise and consolidate the Acts respecting the Water Works Commission of the City of St. Catharines.

WHEREAS the Water Works Commission of the City of St. Catharines have, by their petition, prayed that the various Acts relating to the water works should be revised and consolidated into one Act for the purpose of simplification, and to remove certain doubts regarding the true force and meaning thereof ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 10 1. The persons now elected and their successors in office to be elected in the manner hereinafter mentioned, do and shall constitute a body corporate under the name of "The Water Works Commission of the City of St. Catharines." 20 Vic. cap. 91, s. 1 ; 59 Vic. c. 47, s. 1. Name.
- 15 2. The several persons elected as water commissioners under the authority of an election held on the 26th day of December, 1897, and the 2nd day of January, 1898, are hereby declared duly elected as such water commissioners, and all acts done by them as such water commissioners are declared legal and valid ; and hereafter there shall be six water commissioners for the said city to be elected by a general vote and to Election of commissioners in 1898 confirmed.

hold office for the term of two years; and they shall be elected at the same time and by the same persons and in the same manner as members of the municipal council; and all provisions and remedies of *The Municipal Act*, and any amendments thereto, shall apply in all particulars not inconsistent with this Act as to elections, unseating and filling vacancies, but no person shall be disqualified for the office of water commissioner unless he shall be interested directly or indirectly in a contract (other than a contract to take water) with the water works commission. 39 V. c. 47, s. 8, ss. 16 and 17; 59 V. c. 91, s. 1; 39 V. c. 47, s. 9.

Election of
commis-
sioners.

Vacancy of
office, how
caused.

(2) The place of a commissioner shall become vacant from the same causes as the seat of a member of the municipal council. *New.*

Oath of
office.

3. Every water commissioner to be hereafter elected shall immediately after his election take an oath before one of Her Majesty's justices of the peace in and for the said city or the County of Lincoln, well and faithfully to perform the duties of his office to the best of his ability. 39 V. c. 47, s. 11.

Quorum.

4. A majority of the said commission shall constitute a quorum for the transaction of any business allowed or required by the powers or duties of the commission; and all contracts

Contracts.

and engagements, acts and doings of the said commission within the scope of their duty or authority, shall be obligatory upon and be in law considered as done by the mayor and city council of the City of St. Catharines. 20 V. c. 91, s. 10.

Protection of
commis-
sioners.

5. The commission and their officers shall have the like protection in the exercise of their respective offices and the execution of their duties, as justices of the peace now have under the laws of this Province. 42 V. c. 79, s. 7.

30

Duties of cm-
mission.

6. It shall be the duty of the said commission to examine consider and decide upon, all matters relative to supplying the said City of St. Catharines with a sufficient quantity of pure and wholesome water for the use of its inhabitants, and the amount of money necessary to effect that object. 20 V. c. 91, s. 2.

Books of ac-
count, etc., to
be kept.

7. The water works commission shall keep regular books of account, and books for recording the whole of their official proceedings, and all such books shall be open to the examination of any person or persons appointed for that purpose by the municipal council of the City of St. Catharines. The commission shall also, on the thirtieth day of June, and the thirty-first day of December, in each and every year, make a report to the said municipal council of the City of St. Catharines of their receipts and expenditures for the previous six months. 20 V. c. 91, s. 7, amended.

45

8. The said water works commission shall also in the month of January in each year furnish to the council of the said corporation a report of the condition of the works under their charge and a detailed statement of all expenditures made by them for and on account of the water works for the year ending the 31st day of December next preceding. 52 V. c. 70, s. 7.

9. The said water works commission may prosecute or defend any actions or process at law or equity by the name of the "Water Works Commission of the City of St. Catharines,"
10 against any person or persons for money due for the use of the water, for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or any promise or contract made to or with them, and also for any injury or trespass or nuisance
15 done or suffered to the water-courses, pipes, machinery or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water. 20 V. c. 91, s. 11 ; 39 V. c. 47, s. 6.

10. The treasurer of the City of St. Catharines for the
20 time being shall be treasurer of the water works commission,
and shall as treasurer of the said commission receive all moneys
received or collected by the commission from time to time for
water rates and rents and all other moneys of the commission,
25 and shall keep records thereof in a book or books to be fur-
nished to him by the commission for that purpose and deposit
the same in a chartered bank in St. Catharines to the credit of
the commission on current account or special deposit as di-
rected by the commission; and the same shall be withdrawn
30 only on the authority of the commission, and he shall give
such security for the due performance of his duties as such
treasurer, and shall furnish such statements and returns to the
commission as may from time to time be required by the said
commission; and the commission shall have power, with the
35 consent of the corporation of the City of St. Catharines to em-
ploy the city collectors and assessors, and they may also em-
ploy such other persons as in their opinion may be necessary
to carry out the object of this Act, and to specify the duties of
such persons when so employed, and to fix their compensation;
40 and all such persons shall hold their offices under the com-
mission during the pleasure of the commission, or as they shall
determine by by-law in that behalf, and shall give such secu-
rity as the commission shall determine, and such collectors or
assessors shall have as full power in the performance and en-
45 forcement of the matters to them committed as the collectors
and assessors in the cities in the Province of Ontario now pos-
sess. 39 V. c. 47, s. 14; 59 V. c. 91, s. 2.

(2) Provided, however, that nothing in this section contained shall be held in any way to affect the provisions of section eleven of this Act. 59 V. c. 91, s. 2, ss. 2. Proviso.

Application of
revenues.

11. All revenues arising from or out of the supplying of water or derived from the real or personal property connected with the said water works shall, after deducting therefrom the cost of the maintenance, improvements and repairs of said works and mains and any appliances required and the necessary salaries and expenditure for superintendence and management thereof be paid by the said water works commission to the treasurer of said corporation quarterly. 52 V. c. 70, s. 6. 5

Regulations
respecting use
of water and
rate therefor.

12. The commission shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, and the times of payment, and they may erect such number of public hydrants and in such places as they shall see fit; and direct in what manner and for what purposes the same shall be used; all which they may change at their discretion. Provided always, that all hydrants, conduits or other appliances required and furnished for the purpose of extinguishment of fires, shall be placed as the council of the corporation of the said City of St. Catharines shall direct. 20 V. c. 91, s. 8; 42 V. c. 79, s. 2. 20

Proviso.

Entry upon
lands.

13. It shall and may be lawful for the said commission, their agents and servants and workmen, from time to time, and at such times hereafter as they may think fit, and they are hereby authorized and empowered to enter into and upon the lands of any person or persons, or body politic or corporate, in the City of St. Catharines or in any part of either of the Counties of Lincoln or Welland and to survey, set out and ascertain such parts thereof as they may require for the purposes of the said water works, and also to divert and appropriate any spring or stream of water or watercourse thereon as they may deem suitable and proper, and to contract with the owners and occupiers of the said lands, and those having any interest or right in the said water, for the purchase thereof or of any part thereof, or of any privileges that may be required for the purposes of the said water works commission; and in case of any disagreement between the said commission and the owners or occupiers, or any other person interested in such lands, or any person having an interest in the said water, or the natural flow thereof, or any such privilege as aforesaid respecting the amount of purchase or value thereof, or as to the damage such appropriation shall cause to them, or otherwise the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned namely: the commission shall appoint one, the owner or owners or other person interested shall appoint another, and such two arbitrators shall, within ten days of their appointment, appoint a third arbitrator, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, the judge of the County Court of the county in which the said land is situate shall, on application by either party, appoint 50

Reference to
arbitration.

such third arbitrator. In case any such owner or occupier, or other person interested therein shall be an infant, married woman, idiot or insane person, or absent from the Province, or shall refuse to appoint an arbitrator on his behalf, or shall
 5 neglect to make such appointment for two weeks after notice to be served on him by the commission, then it shall be lawful for the judge of the County Court of the county in which the said land is situate, on application being made to him by the
 10 commission, to appoint an indifferent person as arbitrator on behalf of such person under disability, or refusing or neglecting to appoint an arbitrator as aforesaid. The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge and order the respective sums of money which the
 15 commission shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final and binding on all parties interested therein; and the arbitrators to be appointed as aforesaid shall be and they are hereby required to attend at some convenient
 20 place at or in the vicinity of the said city, to be appointed by the said commission, after eight days notice to be given to them by the said commission, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall, before entering on his said duties, be
 25 sworn before one of Her Majesty's justices of the peace in and for the county in which their sitting shall be held, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment. Provided always, that
 39 any award under this Act shall be subject to be set aside on application to the High Court of Justice, in the same manner and on the same grounds as in ordinary cases of arbitration; in which case a reference shall again be made to arbitration as hereinbefore mentioned; and that any sum so awarded shall
 35 be paid within three calendar months from the date of the award or the determination of any motion to amend the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall revive; provided also, that in case the person to whom the said damages
 40 shall be awarded shall be an infant, or an idiot, lunatic or insane person, or absent from the Province, or shall refuse to accept the amount so awarded, it shall be lawful for the said commission to pay the same to the committee of such person under any of the said disabilities, or to pay the same into
 45 court, or into any chartered bank in this Province to the joint credit of the said water works commission and such person, and that such payment shall be a sufficient payment of the amount of the said award by the said commission; and any
 50 notice required to be served on any person under any of the said disabilities shall be served on the person in whose care or under whose custody or control the said person may be; or if such person is absent from the Province, or cannot be found,

Lands of infants, etc.

Award.

Meeting of arbitrators.

Oaths of arbitrators.

Setting aside award.

Payment of damages awarded to infant, etc.

Service of person under disability.

by publishing the same for two weeks in *The Ontario Gazette*, and one paper published in the county in which the said lands lie. 39 V. c. 47, s. 2.

Tender by
commissioners
respecting
damage.

Costs of
arbitration.

Conveyance
of land.

Conveyance
by infants, etc.

Lands, etc.,
vested in city.

Power to con-
struct reser-
voirs, etc.

14. The said commission may, before the appointment of arbitrators, tender to the owner or owners, or such other persons as may be interested in any such land, stream or privilege, any sum of money which they may deem sufficient to satisfy such person for the value of the said land or damage, and in case such amount so tendered shall not be accepted, and the arbitrators to be appointed as aforesaid do not find or award any greater sum than such sum so tendered as the value of such land or damage, then such owner or owners or other person interested shall pay all the costs attendant on such arbitration; and every such owner, occupant or other person interested in any such land, stream, water or privilege so taken by the commission for water works purposes shall, on payment to them of the amount so agreed upon or awarded, convey to the municipal corporation of the City of St. Catharines his interest in any such land, or such portion thereof as may be required by the said commission, by a good and sufficient deed, free from all encumbrance, on such deed or conveyance being tendered to him for execution; and in case any such person shall refuse or neglect to execute such deed or conveyance, the price of such value or damage shall be paid into some chartered bank in this Province, to the joint credit of the said water works commission and such person, and shall not be paid to such person until the execution by him of such deed or conveyance; and in case any such person shall be an infant, idiot, lunatic or insane person, such deed or conveyance may be executed for him by his committee, or by such person as the court shall appoint for that purpose. 39 V. c. 47, s. 3.

15. The lands and water or easements, right of way or passage, which shall be ascertained, set out or appropriated by the said commission for the purposes thereof as aforesaid, shall thereupon and for ever thereafter be vested in the municipal corporation of the City of St. Catharines, and their successors, and it shall and may be lawful for the said commission, and their successors, to construct, erect and maintain upon the said lands all such reservoirs, water works and machinery requisite for the said undertaking, and to convey the waters thereto, and therefrom, in, upon or through any of the grounds and lands lying intermediate between the said reservoirs and water works, and the springs, streams, rivers or lakes, from which the same are procured, and the said City of St. Catharines by one or more lines of pipes, as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the said commission, and their servants, are hereby empowered to enter and pass upon and over the said grounds and lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same,

and upon, over, under and through the highways, railroads and roads of and in the townships in either of the counties of Lincoln or Welland, and through the public ways, streets, lanes or other passages of the said City of St. Catharines, and in,
 5 upon, through or under the lands, grounds and premises of any person or persons, bodies corporate, politic or collegiate whatsoever, and to set out, ascertain, use and occupy such part or parts thereof as the said commission shall think necessary and proper, for the taking and maintaining of the said works,
 10 or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of said works, or for preserving the purity of the water supply, or for taking up, removing, altering or repairing the same, and for distributing water to the inhabitants of the City of
 15 St. Catharines, or for the uses of the corporation of the said city, or of the proprietors or occupiers of the lands through or near which the same may pass, and for this purpose to sink or lay down pipes, trunks, reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well
 20 in the position as in the construction thereof, as to the said commission shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained in case of disagreement by arbitration as
 25 aforesaid. 20 V. c. 91, s. 5: 39 V. c. 47, s. 4.

16. The lands, buildings, machinery, reservoirs, pipes and all other real or personal property connected with or appertaining to the said water works, whether situate in the said city or elsewhere, shall be exempt from all taxation. 39 V.
 30 c. 47, s. 26. Exemption from taxation.

17.—(1) Service pipes which may be required shall be constructed and laid down up to the outer line of the street by the commission, and the commission shall be solely responsible for keeping the same in repair. Service pipes.

35 (2) In all cases where a vacant space intervenes between the line of the street and the wall of a building into which the water is to be taken, the commission are empowered to lay the service pipe across such vacant space, and charge the cost of the same to the owners, such charge to be payable with the
 40 first payment of water rates, and such costs may also be collected from the said owners in the same manner as water rates.

(3) The expenses incidental to the laying and repairing, as hereinafter provided, of the service pipes if laid or repaired by the corporation (except the repairing of the service pipes, from
 45 the main pipe to the outer limit of the street as aforesaid, which shall be borne solely by the commission). or of superintending the laying or repairing of the same if laid or required by any other person, shall be payable by the owner on demand to the commission, or if not so paid, may be collected forth-

with in the same manner as water rates ; provided that in no case shall the expense of superintending the laying or repairing of such service, if laid or repaired by any other person as aforesaid, exceed one dollar R.S.O. 1897, c. 235, s. 17, amended.

Service pipes,
etc., to be under
control of
commission.

18. The service pipe from the line of the street to the interior surface of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the commission, or by any owner, tenant or occupant, shall be under the control of the commission, and if any damage is done to that portion of the service pipe, or its fittings, either by neglect or otherwise, the occupant or owner of the lands shall forthwith repair the same to the satisfaction of the commission ; and in default of his so doing, whether notified or not, the commission may turn the water off, and may enter on the lands where the service pipes are, and by their officers, servants or agents, repair the same and charge the same to the owner of the premises as hereinbefore provided. 5 10 15

(2). The stop-cock placed by the commission, or by the owner, tenant or occupant, inside the wall of the building shall not be used by the water-taker, except in cases of accident, or for the protection of the building or the pipes, and to prevent the flooding of the premises, and the commission may locate the position of the said stop-cock and the manner and position in which the pipes furnishing water shall be placed in the building for the purpose of insuring drainage and preventing freezing so far as possible. 20 25

(3) Persons supplied with water by the commission may be required to place only such taps for drawing and shutting off the water as are approved by the commission. R.S.O. 1897, c. 235. s. 18, amended. 30

Liability for
breaking of
pipes and
shutting off
water.

19. Neither the water-works commission, nor the corporation of the said city shall be liable for damage caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains, or tap pipes, provided reasonable notice is given when possible. 39 V. c. 47, s. 21, amended. 35

Access to
buildings.

20. It shall be lawful for the water-works commission, and every person authorized by them for that purpose, to have free access at proper hours of the day, and upon reasonable notice being given and request made for that purpose, to all parts of every building in which water is delivered or consumed. 39 V. c. 47, s. 22. 40

Extension of
pipes to
suburbs, etc.

21. The water-works commission are hereby empowered to arrange with individuals. for the extension of pipes in the suburbs and partially built portions of the said city, by allowing a deduction from the price charged for the water to such 45

extent as the commission shall see fit, on the price of the said pipes when laid by the parties under the direction of the said commission, and subject to their approval ; or the commission may lay such pipes, charging the said parties, in addition to
 5 the said water rate or rent, a yearly interest on the cost of such extension, with interest, or such portion thereof as may be due shall be paid at the same time and collected in the same manner as the water rates. 39 V. c. 47, s, 24, amended.

22. The commission shall have power and authority to sup-
 10 ply water from the said water works to any person, persons or corporations outside the limits of the said city, and to any railway company or manufactory, whether situate inside the limits of the said city or not, and for such purpose to make and carry out from time to time any agreement with such person,
 15 persons, corporation, or railway company or manufacturer wishing to be supplied with water from said water works, and to lay any pipes, mains or other conveniences between the said city or the said water works and the place to be supplied with water under this section, necessary to carry out such agree-
 20 ment, and the property so supplied with water, and the owner, tenants or occupants thereof, shall be subject to the same liabilities, and the said commission shall have the same rights and remedies against all such property and persons for enforcing the payment of the water rates or rents, or the cost of lay-
 25 ing the pipe, as though the said property were situate within the said city ; provided, however, that no power or authority shall be exercised under this clause without the consent and approbation of the corporation of the said city. 39 V. c. 47, s. 25.

Power to supply persons outside city.

23. In order to prevent the waste of water, and settle dis-
 30 putes arising therefrom, as to the quantity consumed, the said water works commission are empowered, at the expense of the water-taker, (if they see fit) to place water meters upon any service pipe or connection, within or without any house or building where water is used, as they may deem expedient,
 35 and to maintain, repair or renew the same, and for this purpose, and for the purpose of protecting, or of regulating the use of any such meter, to set or alter the position of the same, or of any pipe connection, or tap, and to fix the price to be paid for any such meter, maintenance or renewal, or the use
 40 thereof, and the times when, and the manner in which the same shall be payable, and also to charge for and recover the expense thereof, and the same shall be collected in the same manner as water rates, and shall be a lien upon the real estate to the same extent, and neither the meter, nor any fittings
 45 thereto belonging, shall be subject to, or liable for rent by the possessor, or owner, of any premises, wherein the same may be. 42 V. c. 79, s. 5, amended.

Water meters.

24. The commission shall have power from time to time to make and enforce all necessary by-laws, rules and regulations
 2—147

Power to make regulations for maintenance,

use of water,
collection of
rates, etc.

for the general maintenance, or the management or conduct of the said water works, the officers and others employed by them not inconsistent with this Act, and for the collection of the water rates and water rents and for fixing the time or times (which shall be quarterly) when, and the places where, and the person 5 to whom the same shall be payable; also for regulating the time, manner and nature of the supply of water by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected 10 therewith which it may be necessary and proper to direct, regulate or determine for security to the inhabitants of the said city, or any other place which they may contract to supply with water, a continued and abundant supply of pure, wholesome water, and to prevent the practising of fraud upon 15 the commission with regard to the water so supplied; and also for shutting off the water for infractions of the by-laws, and in case the water is shut off for non-payment of rates, for making and collecting a charge of one dollar for turning the water off and on; such charge to be paid by the owner, tenant or occupant in default in addition to the water rates in arrear; and 20 in cases where the commission deem it necessary in order to prevent any owner, tenant or occupant from unlawfully taking or using water, for disconnecting the service pipe from the street main, and, in addition thereto, for enforcing the payment of the said charge and all water rates in arrear, by suit 25 at law before any court of competent jurisdiction, or by distress and sale of the goods and chattels of such owner, tenant or occupant, or any goods or chattels in his or her possession wherever the same may be found within the said city, or of any 30 goods or chattels found on the premises, the property of, or in possession of any other occupant thereof; and such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of taxes in said city, and the costs chargeable shall be those payable to bailiffs under *The Division 35 Court Act*, provided that the attempt to collect such rates or rents, by any process hereinbefore mentioned shall not in any way invalidate the lien upon such premises, and in the event of any such rates or rents remaining uncollected, and unpaid, and continuing a lien upon the premises as hereinbefore provided the amount of such rates or rents in arrear, shall be returned by the commission to the treasurer of said city annually, on or before the first day of May in each and every year, and the same together with interest thereon at the rate of ten per cent. per annum shall thereupon be collected by such treasurer 45 by the sale of the lands and premises, in the same manner and subject to the same provisions, as in the case of the sale of non-resident lands for arrears of municipal taxes. 42 V. c. 79, s. 4; 52 V. c. 70, s. 14; 59 V. c. 91, s. 6, amended.

Remedy for
illegal sale or
use of water.

25. If any person being occupant, tenant or inmate of any 50 house supplied with water from the said water works, shall sell

vend or dispose of the water thereof, or give it away, or permit it to be taken or carried away, or apply it to the use and benefit of others, or to any other than his or their own use and benefit, or increase the supply of water agreed for with the commission, or wrongfully neglect or improperly waste the said water, he shall be guilty of a misdemeanor, and upon conviction thereof before any competent court of criminal jurisdiction, or police magistrate having jurisdiction in that behalf, shall be punished by fine or imprisonment, or either, at the discretion of the court or magistrate, as in other misdemeanors at common law or by summary conviction. Provided that no conviction shall be made under this section except upon information laid by, or by the authority of, the water works commission. 39 V. c. 47, s. 17, amended.

15 **26.** If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said commission or their managers, contractors, servants, agents or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and con- Remedy for interruption, etc., of commission or workmen and for contamination, etc.
20 tained, or if any person shall wilfully or maliciously let off or discharge any water so that the same shall run waste or useless out of the said works, or if any person shall throw or deposit anything, or noisome or offensive matter in the said water or water works, or in any way foul the same, or com-
25 mit any wilful damage or injury to the works, pipes or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, besides being subject to an action at law for the damages done thereby, be held guilty of a misdemeanor, and be punishable in like manner as in the
30 preceding section mentioned. 20 V. c. 91, s. 6.

27. All persons and corporations whosoever who shall by themselves or their servants or agents by act, default, neglect or omission occasion any loss, damage or injury to the water works or any plant, machinery, fitting, part or appurtenances
35 thereof shall be liable to the water works commission for or in respect of such damage, loss or injury, and damages in respect thereof may be recovered by the said commission by suit in any court of competent jurisdiction. 52 V. c. 70, s. 13. Remedy for damage to works, etc.

28. If any person shall lay or cause to be laid any pipe or
40 main to communicate with any pipe or main of the said water works, or in any way obtain or use any water thereof without the consent of the commission, he or they shall forfeit and pay to the commission for water works purposes the sum of one hundred dollars, and also a further sum of five dollars
45 for each day said pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any court of law in this Province having civil jurisdiction to that amount. 39 V. c. 47, s. 15. Remedy against persons using water without leave.

Penalty for
interference
with meter.

29. Any person who shall alter or interfere with any meter, or the position of the same, after it has been set by the said water works commission, shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs, on summary conviction before any justice of the peace having jurisdiction in the locality in which the said offence is committed, and in case such penalty and costs are not paid forthwith, such justice of the peace may commit the offender to the common goal of the county of Lincoln for any period not exceeding thirty days, unless the said penalty and costs are sooner paid. 42 V. c. 29, s. 6 ; 52 V. c. 70, s. 17. 5 10

Penalty for
closing, etc.,
hydrants.

30. If any person or persons not being in the employment of the water works commission, and not being a member of the fire brigade of the said city, and duly authorized in that behalf, shall open or close any hydrant, or obstruct the free access to any hydrant chamber, stop-cock, stop-box, valve chamber, hydrant, or water column, by placing on or around it any building material, rubbish or otherwise, every such person shall, on conviction before any of Her Majesty's justices of the peace having jurisdiction in the locality in which the said offence is committed, forfeit and pay for each offence a sum not exceeding twenty dollars, for water works purposes, and in default of such payment may be imprisoned in the common goal of the county for a term not exceeding thirty days, and each time the said hydrants are interfered with, and each day the said obstruction shall continue, shall be considered a separate offence. 39 V. c. 47, s. 23 ; 52 V. c. 70, s. 15. 15 20 25

Penalty for
fouling water.

31. If any person shall bathe or wash, or cleanse any cloth, wool, leather, skins or animals, or place any nuisance or offensive thing in the source of supply of the reservoir or reservoirs of the said water works within the limits of the township of Thorold, in the county of Welland, or in the Beaver Dam Creek, or in any pond, creek, spring, source or fountain from which the water of the said reservoir or reservoirs or Beaver Dam Creek or the said water works, is obtained, within the limits aforesaid, or shall convey or cast, cause or throw or put any filth, dirt, refuse, rubbish, excrement, dead carcass, or other noisome or offensive thing therein, or on any ice on or covering the water of the said pond, creek, spring, source, fountain, source of supply, Beaver Dam Creek, reservoir or reservoirs when frozen, or permit or allow any cattle to deposit any excrement therein or thereon within said limits, or cause, permit or suffer the water or contents of any sink, cesspool, privy, sewer or drain to run percolate or be conveyed into the same, or erect or permit any outhouse, privy, cesspool or offensive building, or noisome or offensive thing to be or remain nearer than two hundred yards from the edge of the bank of said pond, creek, spring, source, fountain, source of supply, Beaver Dam Creek, reservoir or reservoirs within said limits, unless a nearer distance is consented to by the commission, or 30 35 40 45 50

cause or suffer any other thing to be done or permitted whereby the water therein or flowing thereto may be in any wise tainted or fouled, every such person shall, on conviction thereof before any justice of the peace, on the oath of one credible witness, be by such justice adjudged and condemned to pay a penalty for every such offence not exceeding the sum of twenty dollars, together with costs of conviction, one half to be applied for water works purposes and the other half to him or her who shall lay the information, and in case the party laying such information be the commission themselves, or any of their officers or servants, then the whole of the said penalty shall be applied to the use of the commission for water works purposes, and such justice may also, in his discretion, further condemn such person to be confined in the common goal of the county in which any such offence may be committed for a space of time not exceeding one calendar month, with or without hard labour, as to him may seem meet; and every day on which the offence is continued shall be deemed a fresh offence, whether there has or has not been any conviction in respect thereof. This section shall not be held to prevent cattle or other live stock drinking from any such creek or pond in its course through farm or other properties within said limits, provided, however, that in case the commission desire to prevent cattle or other live stock on any particular premises or highway within said limits drinking water therefrom, it shall have the right to fence any such creek or pond and to this end shall be required and shall have power to erect, in a suitable location on said premises or highway, proper and sufficient conveniences, by windmill or otherwise, for giving an adequate supply of water to cattle and other live stock on the same. 39 V. c. 47, s. 16; 59 V. c. 91, s. 3.

32. The commission or any one or more of its members or duly authorized officers, shall have power from time to time to enter upon any lands or premises contiguous or adjacent to the said reservoir or reservoirs, Beaver Dam Creek, source of supply, pond, creek, source or fountain from which the water of the said reservoir or reservoirs, or Beaver Dam Creek or the said water works is obtained, for the purpose of ascertaining whether any of the acts, matters or things hereinbefore mentioned exist or are being done or permitted, and if any such be found to exist or to be done or permitted, then the said commission shall be at liberty to take the summary proceedings hereinbefore provided, and in addition thereto any one or more of its members or authorized officers may enter upon said lands and premises and serve notice upon the person or persons by whose act, default or sufferance the same exists, or from which the same arises, requiring such person or persons to remove or abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose, and if the said person or persons refuse or neglect to remove or abate the

Power to enter
upon adjoining
lands.

same within the time so specified, the commission may enter upon said lands and premises and remove and abate the same and recover the cost of such removal and abatement from such person or persons as money paid for the use of such person or persons, provided, however, that in case such act, default or sufferance arises or is caused by or by reason of any outhouse, privy, cesspool or other offensive building, and the commission require the same to be removed, the same shall in such cases be removed and set up in as substantial a manner as before removal, in such location beyond the limit hereinbefore mentioned, as shall be reasonably required by such person or persons, and the commission shall bear and pay all expenses in connection with, or incidental to, such removal or setting up. 59 V. c. 91, s. 4, ss. (a).

Obstructing
officers.

33. In case the owner, tenant or occupant of any of said lands and premises resists or threatens or obstructs the said commission, or any one or more of its members or authorized officers, in the exercise of any of the powers hereby conferred upon him or them, he or they may call to his or their assistance all constables and peace officers and such other persons as he or they think fit, and any owner, tenant or occupant who so resists, threatens or obstructs shall be liable to the summary proceedings and penalties hereinbefore set forth. 59 V. c. 91, s. 4, ss. (b).

Certain
trades, etc.,
not to be car-
ried on upon
adjoining
lands.

34. After the passing of this Act no person or persons, firm or corporation shall, within the distance of one mile from the bank or edge of such reservoir or reservoirs, Beaver Dam creek, source of supply, pond, creek, spring, source or fountain, establish or carry on any offensive trade, that is to say, the trade of blood-boiling, or bone boiling, or refining of oil, or manufacturing glue, or extracting oil from fish, or tanning of hides, or soap boiling, or tallow melting, or tripe boiling, or slaughtering of animals in a slaughter house, or the manufacture of gas, or any other offensive or noxious trade, business or manufacture, or such as may become offensive, without the consent of said commission, from whose decision appeal may be had to the provincial board of health, whose decision shall, be final; and if any person or persons, firm or corporation shall establish or carry on the same, such person or persons firm or corporation, shall be liable to a penalty not exceeding \$250.00 in respect of the establishment thereof, and any person or persons, firm or corporation, carrying on such business so established shall be liable to a penalty not exceeding \$10.00 for every day on which, after notice to desist, given in writing by the said commission or any officer thereof, the offence is continued, whether there has or has not been any conviction in respect to the establishment thereof. 59 V. c. 91, s. 4, ss. (c).

Telephone line
for works.

35. The said water works commission are hereby authorized and empowered to construct and work a telephone line

for the use of the said works, between the reservoir at DeCew Falls and the offices of the said water works at the said city of St. Catharines. 52 V. c. 70, s. 16.

36. The said commission shall have power to employ engineers, surveyors and such other persons as in their opinion may be necessary to enable them to fulfill their duties under this Act. 20 V. c. 91, s. 3. Employment of engineers, etc.

37. The watchman and other officers of the waterworks commission, when in the discharge of their duty, shall be *ex officio* possessed of all the powers and authorities of officers of the peace. 39 V. c. 47, s. 28. Authority of watchman and other officers.

38. If any action or suit be brought against any person or persons for anything done in pursuance of this Act, or any of the Acts hereby repealed, the same shall be brought within six calendar months after the act is committed, or in case there shall be a continuation of damages, within one year after the original cause of such action arising. 39 V. c. 47, s. 27. Limitation of actions.

39. The council of the said corporation may at any time, by by-law, declare that the powers, rights, privileges and duties of the water works commission shall, on and from a day to be named therein, cease, be determined and come to an end, and the powers, rights, privileges and duties of the said commission shall, from the day so named for that purpose as afore-said, cease, be determined and come to an end, and thereafter the said waterworks shall be managed and controlled by the said municipal council, and the said municipal council shall be invested with all the powers, rights and privileges which are by this Act conferred upon, vested in or enjoyed by the said commission, and be charged with all the duties which are thereby imposed upon them, provided always that such by-law shall not come into operation or take effect, unless and until the assent of the like ratepayers of the said city of St. Catharines as were entitled to vote on the by-law to authorize the construction of the said water works shall have been first obtained thereto, by a vote taken thereon in the manner provided by the *Municipal Act* for taking a vote on a by-law requiring the assent of the electors, or unless and until the assent of the said water works commission shall have been given in a by-law or resolution of the said commission duly passed by them and filed in the office of the city clerk of the said corporation. 41 V. c. 39, s. 2. Transfer of control to city councils.

40. The corporation of the said City of St. Catharines may dispose of any real or personal property or water privilege acquired by reason of the construction of the said water works, but no longer required for water works purposes, and until sold, demise and lease the same. 41 V. c. 39, s. 3. Power of city to dispose of property.

Power to levy
special rate.

41. For the purpose of assisting to liquidate the indebtedness represented by the debentures hitherto issued at various times for the construction and extension of the said water works and the interest thereon, or debentures subsequently issued or to be issued to pay for the same and the interest thereon it shall and may be lawful for the corporation of the City of St. Catharine to assess, levy and collect a special tax or rate in each year, after the passing of this Act, not exceeding four mills in the dollar, upon the several properties, according to the assessed value thereof, fronting or abutting upon the streets, in, through and along which the said water works mains are now or may hereafter be laid, as well as all other properties which may enjoy the advantage of use of water from the said mains for the purpose of protection against fire whether the owners or ratepayers thereof use the water or not for general purposes, to meet the yearly interest on said indebtedness, and to form a sinking fund for the liquidation of the same, provided that the collector of taxes shall, upon the production by the owner, tenant or occupant, of the receipt from the water works commission for the payment of the rent or rate chargeable to him by them during the current year, or such proportion thereof as shall equal such special tax, remit, or allow to such owner, tenant or occupant the amount so paid to the said water works commission as a payment pro tanto of the amount payable in respect of the special tax authorized to be levied by this Act. 52 V. c. 70, s. 5, amended.

Power to re-
mit special
tax.

Returns to be
made of streets
where mains
laid.

42. After the passing of this Act the water works commission shall, during the month of January in each year, make returns to the municipal council of the city of St. Catharines of all streets or parts of streets in, through, or along which mains have been laid during the preceding year, and all lands fronting or abutting on such streets, as well as other properties benefitted in manner mentioned in the next preceding section hereof shall be liable to the special tax in the said section mentioned and said returns shall be final and conclusive to fix said special tax to be levied as aforesaid on all lands fronting or abutting on streets named therein and other lands as hereinbefore provided. 52 V. c. 70, s. 8.

Provision to
be made for
payment of in-
debtedness,
etc.

43. For the purpose of meeting the expenses of maintaining, improving and working the water works, and assisting to liquidate the indebtedness represented by the debentures hitherto issued for the construction and extension of the said water works and the interest thereon, or the debentures subsequently issued or to be issued to pay for the same and the interest thereon, it shall and may be lawful for the water works commission to fix the price, rate or rent which any owner, tenant or occupant of any house, tenement, lot or part of a lot, or both, in, through or past which the water pipes shall run, shall pay as water rate or rent whether such owner

or occupant shall use the water or not, having due regard to the assessment and to any special benefit or advantage derived by such owner or occupant or conferred upon him, her, his or their property by the water works and the locality in which
 5 the same is situate, and such water rate or rent as shall be assessed by said commission upon such owner or occupant shall be and continue a lien or charge (unless paid) upon such real estate in the same manner as municipal taxes, and may be levied and collected in a like manner as municipal rates or
 10 taxes are by law recoverable, and the commission shall have power and authority from time to time to fix the rate or rent to be paid for the use of water in hydrants, fire plugs and public buildings. 52 V. c. 70, s. 11.

44. All the various Acts, or parts of Acts of the Legislature Repeal of former acts.
 15 heretofore passed respecting the said water works are hereby from and after the passing of this Act repealed.

(2) Provided that nothing herein contained shall render Proviso.
 invalid anything done thereunder or impair or affect in any way obligation, matter or thing incurred, suffered or done by
 20 any reason thereof.

BILL.

An Act to revise and consolidate the Acts respecting the Water Works Commission of the City of St. Catharines.

First Reading, 23rd February 1899.

(Private Bill.)

MR. JESSOP.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 148.]

BILL.

[1899.]

An Act respecting By-Law No. 1797 of the City of Ottawa and to authorize the Corporation of the City of Ottawa to raise money upon the security of Lansdowne Park.

WHEREAS the municipal corporation of the city of Preamble.
Ottawa has by its petition prayed that it may be
authorized to pass a by-law to extend the time for the com-
pliance by the Ottawa and New York Railway Company
5 with the conditions contained in a by-law of the municipal
corporation of the city of Ottawa, entitled, "By-Law No. 1797
—a by-law to provide for aiding and assisting the Ottawa
and New York Railway Company by granting to the said
company the sum of seventy-five thousand dollars by way of
10 a bonus, to issue debentures for the same and to authorize the
levying of a special rate by the said corporation for the pay-
ments of the said debentures and interest," and that it may be
also authorized to raise upon the security of the lands and
premises in the City of Ottawa known as Lansdowne Park,
15 and the lands recently acquired by expropriation for the
enlargement and extension thereof the further sum of \$30,000
for the purpose of paying past liabilities contracted and incur-
red in connection with the acquisition of land for the enlarge-
ment and extension of the said park and the erection and
20 removing and re-erection of buildings thereon, for the comple-
tion of certain buildings thereon now incomplete, and of pay-
ing for further improvements and the erection of other build-
ings thereon; and whereas it is expedient to grant the prayer
of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to pass
by-law.

1. The municipal council of the corporation of the city of Ottawa is hereby authorized and empowered to pass a by-law 5 in the form and to the effect as nearly as may be as the by-law set forth in Schedule "A." to this Act, without submitting the same to, or obtaining the assent thereto of the ratepayers of the said city extending the period limited in By-law No. 1797 of the said city, set forth in Schedule "B" to this Act and in 10 a certain agreement between the corporation of the said city of Ottawa and the Ottawa and New York Railway Company dated the 24th day of December, 1897, and set forth in Schedule "C." to this Act, for the completion and operation by the said Ottawa and New York Railway Company of its 15 line of railway from the city of Ottawa across the St. Lawrence River by a bridge at or near the town of Cornwall and to a connection with some railway or railways to the city of New York and for the erection of the general workshops of the said company in the city of Ottawa to the first day of 20 July, 1900, and changing the date of the debentures mentioned in the said by-law No. 1797 from the 7th day of February, 1898, to the 7th day of February, 1899, and it is hereby declared and enacted that the said by-law, the passing of 25 which is hereby authorized, shall when passed be valid, legal and binding upon the said municipal corporation and the ratepayers of the said city, notwithstanding that the same shall not have been submitted to, or the assent thereto obtained of, the said ratepayers and without such submission or assent. 30

Extension of
time for com-
pletion of rail-
way and work
shops.

2. It is hereby declared that notwithstanding anything con- 35 tained in any Act of the Legislature of the Province of Ontario, or in the said by-law No. 1797, set out in Schedule "B" hereto, or in any other by-law of the city of Ottawa, or in the agreement between the corporation of the city of Ottawa and the Ottawa and New York Railway Company set out in Schedule "C." 40 hereto from and after and upon the passing of the said by-law, the passing of which is hereby authorized by the council of the said municipal corporation, the period limited in the said by-law No. 1797 and in the said agreement for the completion 45 and operation by the said railway company of its line of railway and the erection of its general workshops as therein set forth shall be extended to the 1st day of July, 1900, and any debentures that may be issued pursuant to the said by-law No. 1797 and the said agreement and the by-law, the passing 50 of which is hereby authorized shall bear date the 7th day of February, 1899, instead of the 7th day of February, 1898.

Agreement to
remain in
force save as
aforesaid.

3. Subject to the extension of time and change of date provided for in the foregoing sections of this Act, and not-

withstanding and after such extension and change the said by-law No. 1797 and the said agreement shall continue to be and be and remain in full force and effect and binding to all intents and purposes upon the said railway company, the said
 5 municipal corporation and the ratepayers of the said city, in the same manner and with the same effect as if the said extended period and substituted date had been contained in the said by-law No. 1797 and the said agreement respectively when they were enacted or entered into respectively instead
 10 of those actually mentioned therein.

4. It is hereby further declared that any debentures that
 may be issued by the corporation of the city of Ottawa in
 pursuance of said by-law No. 1797, or the by-law, the passing
 whereof is hereby authorized or either of them shall be valid,
 15 legal and binding upon the said corporation and upon the ratepayers of the said city, notwithstanding anything contained in said agreement or in said by-law No. 1797 inconsistent with the provisions of this Act or in any Act of the
 Legislature of the Province of Ontario

20 5. The municipal corporation of the city of Ottawa is also hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate who may be willing to advance the same, the further sum of \$30,000 for the purpose of paying past liabilities contracted
 25 and incurred in connection with the acquisition of land for the enlargement and extension of the premises in the city of Ottawa known as Lansdowne Park and the erection and removing and re-erection of buildings thereon: for the purpose of paying for the completion of certain buildings thereon
 30 now incomplete and of paying for further improvements and the erection of other buildings thereon at such rate of interest not exceeding five per cent per annum as the said corporation may agree to pay therefor and as security for the repayment of the said loan and the interest thereon to grant and mort-
 35 gage the said lands and premises known as Lansdowne Park and the lands recently acquired by expropriation for the enlargement and extension thereof and to guarantee the repayment of the said loan and the interest thereon.

6. The by-law or by-laws of the said corporation authorizing
 40 the said loan shall not require to be submitted to, or to have the assent of the ratepayers of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws creating debts be complied with.

Debentures
valid notwith-
standing
agreement
and by-law.

Power to raise
loan respect-
ing Lans-
downe Park.

By-law valid
without assent
of ratepayers
and notwith-
standing
Municipal
Act.

SCHEDULE A.

(Section 1).

BY-LAW No.

A by-law to extend the time for compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the Municipal Corporation of the City of Ottawa entitled "By-law No 1797—a by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus to issue debentures for the same and to authorize the levying of a special rate by the said Corporation for the payment of the said debentures and interest."

Whereas by-law No. 1797 of this corporation was passed on the 7th day of February, 1898, providing that it might be lawful for the said corporation to grant by way of bonus to the Ottawa and New York Railway Company towards the construction of their railway which lies between the City of Ottawa and the Town of Cornwall the sum of \$75,000, upon the condition mentioned in the said by-law and in an agreement in writing dated the 24th day of December, 1897, made between the said corporation and the said railway company and to make and issue debentures for the said sum of \$75,000 and to levy and collect an annual rate to provide for the payment of the said debentures and interest.

And whereas amongst other conditions in said by-law and agreement and in one or other of them contained it is provided that the said sum of \$75,000 shall be paid to the said railway company upon and only upon the completion and operation of the said railway company of its line of railway from the City of Ottawa across the St. Lawrence river by a bridge at or near the Town of Cornwall and to a connection of some railway or railways to the City of New York and the erection of the general workshops of the company in the City of Ottawa on or before the first day of July, 1899, and also that a strict compliance by the said railway company with the terms of the said by-law and agreement shall be a condition precedent to the right of the said company to the said sum of \$75,000 or any part thereof.

And whereas the said railway company has completed the construction of and put in operation its line of railway from the City of Ottawa to the Town of Cornwall and has commenced the construction of a bridge across the St. Lawrence river at or near the Town of Cornwall to connect its said line with a railway or railways to the City of New York, but has been prevented from completing the same by reason of an accident whereby two spans of the said bridge of 370 feet in length each while in course of construction collapsed and sank to the bottom of the river.

And whereas from investigation it appears that several of the stone piers constructed in connection with the said bridge will have to be rebuilt.

And whereas by reason of the said accident the said company in addition to loss of business will suffer a loss of from \$150,000 to \$200,000 and by reason of such accident, delay and loss, will be unable to complete its said bridge and to connect with a railway or railways to the City of New York and to erect its general workshops in the City of Ottawa within the time limited in the said by-law and agreement, that is to say on or before the first day of July, 1899.

And whereas the said railway company has applied to the municipal council of the corporation of the City of Ottawa to extend the period limited in the said by-law and agreement and the completion and operation of its said line of railway to a connection with some railway or railways to the City of New York by a bridge across the River St. Lawrence at or near the Town of Cornwall and for the erection of its general workshops in the City of Ottawa to the first day of July, 1900.

And whereas it is of the greatest importance to the said City of Ottawa that the said line of railway should be completed and operated to a connection with a railway or railways to the City of New York and the said general workshops erected in the said City of Ottawa.

And whereas the said corporation has been authorised by Act of the Legislative Assembly of the Province of Ontario being Chap. of

Victoria to extend the said period so limited in the said by-law and agreement to the 1st day of July, 1900, by by-law without obtaining the assent thereto of the ratepayers.

Therefore the municipal council of the corporation of the City of Ottawa in pursuance of the authority granted by the said Act ordains and enacts as follows :

Notwithstanding anything contained in the said by-law No. 1797 or in the said agreement dated the 24th day of December, 1897, the period limited in said by-law and agreement for the completion by the said Ottawa and New York Railway Company of its line of railway from the City of Ottawa across the St. Lawrence river by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York, and for the erection of the general workshops of the said company in the City of Ottawa is hereby extended to the first day of July, 1900, and the date which the said debentures are to bear is hereby changed from the 7th day of February, 1898, to the 7th day of February, 1899, and subject to such changes of dates and extension of time the said by-law No. 1797 and the said agreement of the 24th December, 1897, are hereby declared to be in full force and effect and binding upon the corporation of the City of Ottawa and upon the Ottawa and New York Railway Company in the same manner and to the same extent as if said last mentioned dates had been specified in said by-law and agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the City of Ottawa, this day
of 1899.

Mayor.

City Clerk.

SCHEDULE B.

(Section 1).

BY-LAW No. 1797.

A by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payment of said debentures and interest

Whereas the Ottawa and New York Railway Company have made application to the corporation of the City of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the Town of Cornwall in the County of Stormont to the City of Ottawa to the amount of seventy-five thousand dollars, and whereas it is deemed expedient to grant the same.

And whereas for such purpose it is necessary for the said corporation of the City of Ottawa to issue debentures to the said amount of seventy-five thousand dollars in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon.

And whereas it will require the sum of \$4,575 to be raised annually by a special rate on the whole rateable property of the City of Ottawa for the paying of the said sum of \$75,000 and interest on the debentures to be issued therefor of which the sum of \$3,000 will be for such interest and the sum of \$1,575 for a sinking fund from which to pay the said debentures.

And whereas the amount of the whole rateable property of the said City of Ottawa, according to the last revised assessment roll is \$21,947,635.

And whereas the amount of the existing debenture debt of the said corporation of the City of Ottawa is \$3,378,869 exclusive of local improvement debts secured by special Acts rates or assessments and there is no part of the principal or interest thereof in arrear.

Therefore the council of the corporation of the City of Ottawa enacts and ordains as follows :

1. That it shall and may be lawful for the corporation of the City of Ottawa to grant by way of bonus to the Ottawa and New York Railway Company towards the construction of the said railway which lies between the Town of Cornwall and the City of Ottawa aforesaid the sum of \$75,000.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the City of Ottawa to be made, executed and issued to the amount of seventy-five thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the branch agency of the Quebec bank in the City of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four per cent. per annum from the date thereof and such interest shall be made payable half-yearly, namely on the 7th day of February and on the 7th day of August in each and every year during the currency of the said debentures at the said branch or agency of the Quebec Bank at the City of Ottawa and such debentures shall have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$4,575.00 shall be raised, levied and collected in each year of and from the whole rateable property of the said City of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of \$3,000 shall be such interest and the sum of \$1,575 for a sinking fund for the ultimate payment of the said debentures.

6. That the said sum of \$75,000 shall be paid to the said Ottawa and New York Railway Company upon and only upon the completion and operation by the said railway company of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York and the erection of the general workshops of the company in the City of Ottawa on or before the first day of July, 1899, and on its compliance with the terms of the agreement hereinafter mentioned.

7. That a strict compliance by the railway company with the terms of this by-law and with the terms of an agreement to be entered into between the said company and the said corporation before the submission of this by-law to the electors shall be a condition precedent to the right of the company to the said sum of \$75,000 or any part thereof.

8. That in the event of the said company failing to comply with the terms of the said agreement or otherwise becoming disentitled to any portion of the said sum of \$75,000 this by-law shall become null and void and of no force and effect.

9. That this by-law shall come into force on the seventh day of February, 1898.

10. The votes of such of the electors of the said City of Ottawa as are by law entitled to vote thereon shall be taken on this by-law on Monday the third of January 1898, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the deputy returning officers hereinafter mentioned, that is to say :

VICTORIA WARD.

1. All that part of Victoria ward lying north of the centre of Queen street from Pooley's bridge to city limits. Polling place at Press House.

2. All that part of Victoria ward lying south of the centre of Queen street, north of the Richmond road and west of Pooley's bridge to the city limits. Polling place 282 Bridge street.

3. All that part of Victoria ward lying north of Wellington street from Dufferin bridge on the east to Pooley's bridge on the west. Polling place 389 Wellington street.

4. All that part of Victoria ward lying north of the centre of Sparks street, south of the centre of Wellington street, east of the centre of Concession street and west of the Rideau canal. Polling place 196 Wellington street.

DALHOUSIE WARD.

5. Bounded on the north by the Richmond road and Wellington street, on the south by Edward street and Primrose ave. and Maple street, on the west by Preston street and on the east by Concession street. Polling place 525 Albert street.

6. Bounded on the north by Edward street and Primrose ave., on the south by Emily street up to its intersection with Bell street, thence southerly along Bell street to its intersection with Louisa street, thence westerly along Louisa street to Division street, on the west by Division street and on the east by Concession street. Polling place at No. 7 fire station.

7. Bounded on the north by Emily street up to its intersection with Bell street, thence southerly along Bell street to its intersection with Louisa street, thence along Louisa street to Division street, on the south by the Rideau canal and Dow's Lake, on the west by Division street and Dow's Lake, on the east by Concession street. Polling place 385 Bell street.

8. Bounded on the north by the Richmond road from the western city limits up to its intersection with Preston street, thence southerly along Preston street to its intersection with Maple street, thence along Maple street to Division street, on the south by blocks 126, 125, 124, 123 and Pine street, on the west by the city limits and on the east by Division street. Polling place 90 Preston street.

9. Bounded on the north by blocks 119, 120, 121, 122, and Pine street, on the south by the Rideau canal and Dow's Lake, on the west by the city limits and on the east by Division street and Dow's Lake. Polling place No. 385 Rochester street.

WELLINGTON WARD.

10. Bounded on the north by the centre of Sparks street, on the south by the centre of Albert street, on the east by the centre of Bank street and on the west by the centre of Concession street. Polling place No. 2 fire station.

11. Bounded on the north by the centre of Albert street, on the south by the centre of Maria street, on the east by the centre of Bank street, and on the west by the centre of Concession street. Polling place No. 445 Maria street.

12. Bounded on the north by the centre of Maria street, on the south by the rear line of lots fronting on the south side of Gloucester street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including Lot No. 1 on the west side of Bank street and Lot No. 1 on the east side of Lyon street). Polling place No. 241 Gloucester street.

13. Bounded on the north by the rear line of the lots fronting on the north side of Nepean street, on the south by the centre of Lisgar street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including Lot No. 2 on the west side of Bank street, Lot No. 2 on west side of Lyon street and Lot C. on east side of Concession street). Polling place No. 477 Lisgar street.

14. Bounded on the north by the centre of Lisgar street, on the south by the rear line of the lots fronting on the south side of Cooper street, on the east by the centre of Bank street, and on the west by the centre of Concession street (including lots Nos. 3, 4, 5, on the west side of Bank street, lots Nos. 3, 4, 5, on the east side of Lyon street and lots D, E, F, G, H, I and K on the east side of Concession street). Polling place No. 275 Lyon street.

15. Bounded on the north by the rear line of the lots fronting on the north side of Somerset street, on the south by the rear line of the lots fronting on the south side of MacLaren street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including lots Nos. 6, 7, 8, 9, 10 and 11 on the west side of Bank street, lots Nos. 6 and 7 on the east side of Lyon street, lot No. 5 on the west side of Lyon street, lots L, P, Q, R, S, T and U on the east side of Concession street). Polling place No. 581 MacLaren street.

16. Bounded on the north by the rear line of the lots fronting on the north side of Gilmour street, on the south by the rear line of lots fronting on the south side of James street, and on the west by the centre of Concession street (including lots Nos. 12, 13, 14, 15, 16, 17, 18 and 19 on the west side of Bank street, lots V, W, Wa, X, Y, Z, 1, 2 and 3 on the east side of Concession street). Polling place No. 138 James street.

17. Bounded on the north by the rear line of lots fronting on the north side of Florence street, on the south by the rear line of lots fronting on the south side of Ann street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including lots No. 20 to 25, both inclusive, 1, 2 and 3 on the west side of Bank street, lots 1, 2 and 3 on the east and west sides of Kent street, lots 1, 2 and 3 on the east and west sides of Bay street, lots 1, 2 and 3 on the east and west sides of Percy street and lots 4 to 9, both inclusive on the east side of Concession street). Polling place No. 456 Ann street.

18. All that part of Wellington ward lying south of the rear line of lots fronting on the north side of McLeod street. Polling place No. 524 Bank street.

CENTRAL WARD.

19. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of O'Connor street, and on the west by the centre of Bank street. Polling place 188 Albert street.

20. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Metcalfe street, and on the west by the centre of O'Connor street. Polling place, 138 Sparks street.

21. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Elgin street, and on the west by the centre of Metcalfe street. Polling place, 37 Queen street.

22. Bounded on the north by the centre of Sparks street, on the south by the centre of Ann street, on the east by the Rideau canal, and on the west by the centre of Elgin street. Polling place, No. 109 Maria street.

23. Bounded on the north by the centre of Gilmour street, from Bank street to its intersection with the centre of Elgin street, thence southerly along the centre of Elgin street to its intersection with the centre of Ann street, thence easterly along the centre of Ann street to the Rideau canal, on the south by the rear line of the lots fronting on the south side of Catherine street, on the west by the centre of Bank street, and on the east by the Rideau canal. Polling place, 312 Ann street.

24. Bounded on the north by the rear line of lots fronting on the north side of Isabella street from Bank street to Rideau canal, on the south by the Rideau canal, on the west by the centre of Bank, and on the east by the Rideau canal. Polling place, No. 186 Isabella street.

ST. GEORGE'S WARD.

25. Bounded on the north by the centre of George street, on the south by the rear or south line of lots fronting on the south side of Rideau street, on the east by the centre of Cumberland street, and on the west by the Rideau canal. Polling place, 190 Rideau street.

26. Bounded on the north by the north or rear line of lots fronting on the north side of Besserer street, on the south by the centre of Theodore street, on the west by the Rideau canal, and on the east by the centre of Cumberland street. Polling place, No. 3 Fire Station.

27. Bounded on the north by the rear line of lots fronting on Rideau street north, on the south by the centre of Besserer street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place, 225 Besserer street.

28. Bounded on the north by the centre of Cumberland street, on the south by the centre of Stewart street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place, 212 Daly avenue.

29. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the east by the centre of King street, and on the west by the centre of Cumberland street to its intersection with Theodore street; thence along the centre of Theodore street to the Rideau canal; thence along the east bank of the said canal in a southerly direction to the said southern limits of the city. Polling place at 18 Theodore street.

30. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the west by the centre of King street, and on the east by the Rideau river. Polling place, 259 Wilbrod street.

BY WARD.

31. Bounded on the south by the centre of George street, on the north by the centre of York street, on the west by the centre of Mackenzie avenue, on the east by the centre of King street. Polling place, By Ward Market Hall.

32. Bounded on the south by the centre of York street, on the north by the centre of Clarence street, on the west by the centre of Mackenzie avenue, on the east by the centre of King street. Polling place, 184½ Clarence street.

33. Bounded on the south by the centre of Clarence street, on the north by the centre of Murray street, on the west by the centre of Mackenzie avenue, and on the east by the centre of King street. Polling place, 104 Murray street.

35. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the south by the centre of St. Patrick street, on the east by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to the centre of Chapel street to St. Patrick street, and on the west by the centre of King street. Polling place, 346 Clarence street.

36. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the north by the centre of St. Patrick street, on the east by the Rideau river, and on the west by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to Chapel street, thence northerly along the centre of Chapel street to St. Patrick street. Polling place, Anglesea Square Market Hall.

OTTAWA WARD.

37. Bounded on the south by the centre of St. Patrick street, on the north by the rear line of lots fronting on the north side of Church street, on the west by the centre of Sussex street, and on the east by

38. Bounded on the south by the centre of St. Patrick street, on the north by the centre of St. Andrew street, on the west by the centre of King street, and on the east by the Rideau river. Polling place, 587 St. Patrick street.

39. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street, on the north by the rear line of lots fronting on the north side of Water street, on the west by the Government Reserve land, including lots 1 to 6 inclusive, on the west side of Sussex street and on the east by the centre of Cumberland street. Polling place, 176 Dalhousie street.

40. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street to its intersection with King street, then northerly along the centre of King street to the centre of St. Andrew street to the Rideau river, on the north by the centre of Cathcart street, on the west by the centre of Cumberland street and on the east by the Rideau river. Polling place, 247 Water street.

41. Bounded on the south by the rear line of lots fronting on the south side of Cathcart street to its intersection with Cumberland street, thence northerly along the centre of Cumberland street to its intersection with the centre of Cathcart street to the Rideau river, on the north by the centre of Bolton street, on the west by the Ottawa River and on the east by the Rideau river. Polling place at Bingham Hall.

42. All that part of Ottawa Ward lying north of the centre of Bolton street. Polling place, 55 Dalhousie street.

RIDEAU WARD.

43. Comprising all that part of the City of Ottawa known as Rideau Ward. Polling place, Albert Hall, Stanley avenue.

That the following persons be and they are hereby appointed deputy returning officers to preside at the said polling places respectively :

Polling place No.	1, Harold Breene.
"	2, Godfroy Marsan.
"	3, James Clarke.
"	4, G. Mann.
"	5, John Murphy.

Polling place No.	6, Rockliffe Ronan.
"	7, George Fowler.
"	8, William Howe.
"	9, E. Lafontaine.
"	10, George Carman.
"	11, R. C. W. MacCuaig.
"	12, J. H. Salmon.
"	13, Jno. McIntosh.
"	14, Thos. Henderson.
"	15, W. H. Bishop.
"	16, W. H. Morgan.
"	17, G. Garrett.
"	18, Jas. Hickey.
"	19, James T. Moxley.
"	20, Alexander Duff.
"	21, Frank McDougal.
"	22, James H. Thompson.
"	23, F. Journeaux.
"	24, W. H. Sixsmith.
"	25, T. Westwick.
"	26, George Hawkins.
"	27, Jos. Potts.
"	28, Hugh W. Mix.
"	29, C. Desjardins.
"	30, A. M. Sutherland.
"	31, E. Gauthier.
"	32, Jos. Kennedy.
"	33, John Sullivan.
"	34, Augustin Lemay.
"	35, Geo. Mainville.
"	36, Thomas Morris.
"	37, P. R. Valiquette.
"	38, J. Z. Foisy.
"	39, N. Berichon.
"	40, L. Alexis Lessard.
"	41, E. Chateauvert.
"	42, Sam. Savage.
"	43, Fred. Dawson.

The 30th of December, 1897, in the council chamber of the city hall, Ottawa, at 10 o'clock in the forenoon, is appointed as the time and place for the appointment in writing by the said mayor, for the time being, of the corporation of the city of Ottawa, of such persons as shall attend at the various polling places and at the final summing up of the votes by the said clerk on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

The 4th day of January, 1898, at the city clerk's office, in the city of Ottawa, at 12 o'clock noon, is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively. First publication on the 9th day of December, 1897.

Given under the corporation seal of the said corporation of the city of Ottawa this 7th day of February, 1898.

Certified,

(Sgd.) JOHN HENDERSON,

City Clerk.

(Sgd.) S. BINGHAM,

Mayor.

SCHEDULE C.

SECTION 1.

Memorandum of agreement entered into this 24th day of December, 1897, between the Ottawa and New York Railway Company, herein called "the company," of the first part, and the corporation of the city of Ottawa, herein called "the corporation," of the second part.

Whereas the council of the corporation of the city of Ottawa have, subject to the agreement herein, introduced a by-law and are about to submit the same to the ratepayers of the said city, for granting aid to the said company to the amount of seventy-five thousand dollars, to be paid to the said company upon and only upon the completion and operation of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the town of Cornwall and to a connection with some railway or railways to the City of New York, and the erection of the general workshops of the company at the City of Ottawa on or before the first day of July, 1899.

And whereas it was agreed between the company and the corporation that in the event of such by-law being passed by the council of the corporation after receiving the assent of the electors thereto, that the company would erect and maintain the general workshops of the company necessary for the said line of railway in the City of Ottawa, such workshops to be erected on or before the first day of July, 1899.

Now this agreement witnesseth that in consideration of the passing of the said by-law and the granting of the said bonus, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows:—

That the said company shall, on or before the first day of July, 1899, erect the general workshops of the company necessary for the said railway in the City of Ottawa, and thereafter maintain the same within the said City of Ottawa.

That the head office of the company shall be established in the City of Ottawa on or before the first day of July, 1899, and thereafter maintained at the City of Ottawa.

The corporation agrees with the said company that in the event of the said general workshops being established and maintained within the limits of the City of Ottawa, the council of the corporation will exempt from taxation all workshops, round houses and stations of the said company, and the lands upon which the same may be built, for a period of ten years, and shall recommend a like exemption for a further period of ten years thereafter, as far as the said council can legally do so.

The term "general workshops" in this agreement shall mean and include the construction and repair shops of the company as well as the shops for all work necessary for the repair, maintenance and operation of the company's railway.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of their proper officers in that behalf, and duly certified.

Signed, sealed and delivered
in the presence of

(Sgd.)

C. E. CARTWRIGHT.
BURNSIDE ROBINSON.

(Sgd.)

OTTAWA AND NEW YORK RAILWAY COM-
PANY, by
CHAS. B. HIBBARD, President.
HENRY T. NASH, Secretary.

SAMUEL BINGHAM, Mayor.
JOHN HENDERSON, City Clerk.

BILL.

An Act respecting By-law No. 1,797 of the City of Ottawa and to authorize the corporation of the City of Ottawa to raise a further sum of money upon the security of Landowne Park.

First Reading, , 1899.

(Private Bill.)

Mr. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 148.]

BILL.

[1899.

An Act respecting By-Law No. 1797 of the City of Ottawa and to authorize the Corporation of the City of Ottawa to raise money upon the security of Lansdowne Park.

WHEREAS the municipal corporation of the city of Preamble.
Ottawa has by its petition prayed that it may be authorized to pass a by-law to extend the time for the compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the municipal corporation of the city of Ottawa, entitled, "By-Law No. 1797—a by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payments of the said debentures and interest," and that it may be also authorized to raise upon the security of the lands and premises in the City of Ottawa known as Lansdowne Park, and the lands recently acquired by expropriation for the enlargement and extension thereof the further sum of \$30,000 for the purpose of paying past liabilities contracted and incurred in connection with the acquisition of land for the enlargement and extension of the said park and the erection and removing and re-erection of buildings thereon, for the completion of certain buildings thereon now incomplete, and of paying for further improvements and the erection of other buildings thereon; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to pass
by-law.

1. The municipal council of the corporation of the city of Ottawa is hereby authorized and empowered to pass a by-law in the form and to the effect as nearly as may be as the by-law set forth in Schedule "A." to this Act, without submitting the same to, or obtaining the assent thereto of the ratepayers of the said city extending the period limited in By-law No. 1797 of the said city, set forth in Schedule "B" to this Act and in a certain agreement between the corporation of the said city of Ottawa and the Ottawa and New York Railway Company dated the 24th day of December, 1897, and set forth in Schedule "C." to this Act, for the completion and operation by the said Ottawa and New York Railway Company of its line of railway from the city of Ottawa across the St. Lawrence River by a bridge at or near the town of Cornwall and to a connection with some railway or railways to the city of New York and for the erection of the general workshops of the said company in the city of Ottawa to the first day of July, 1900, and changing the date of the debentures mentioned in the said by-law No. 1797 from the 7th day of February, 1898, to the 7th day of February, 1899, and it is hereby declared and enacted that the said by-law, the passing of which is hereby authorized, shall when passed be valid, legal and binding upon the said municipal corporation and the ratepayers of the said city, notwithstanding that the same shall not have been submitted to, or the assent thereto obtained of, the said ratepayers and without such submission or assent.

Extension of
time for com-
pletion of rail-
way and work
shops.

2. It is hereby declared that notwithstanding anything contained in any Act of the Legislature of the Province of Ontario, or in the said by-law No. 1797, set out in Schedule "B" hereto, or in any other by law of the city of Ottawa, or in the agreement between the corporation of the city of Ottawa and the Ottawa and New York Railway Company set out in Schedule "C." hereto from and after and upon the passing of the said by-law, the passing of which is hereby authorized by the council of the said municipal corporation, the period limited in the said by law No. 1797 and in the said agreement for the completion and operation by the said railway company of its line of railway and the erection of its general workshops as therein set forth shall be extended to the 1st day of July, 1900, and any debentures that may be issued pursuant to the said by-law No. 1797 and the said agreement and the by-law, the passing of which is hereby authorized shall bear date the 7th day of February, 1899, instead of the 7th day of February, 1898.

Agreement to
remain in
force save as
aforesaid.

3. Subject to the extension of time and change of date provided for in the foregoing sections of this Act, and not-

withstanding and after such extension and change the said by-law No. 1797 and the said agreement shall continue to be and be and remain in full force and effect and binding to all intents and purposes upon the said railway company, the said municipal corporation and the ratepayers of the said city, in the same manner and with the same effect as if the said extended period and substituted date had been contained in the said by-law No. 1797 and the said agreement respectively when they were enacted or entered into respectively instead of those actually mentioned therein.

4. It is hereby further declared that any debentures that may be issued by the corporation of the city of Ottawa in pursuance of said by-law No. 1797, or the by-law, the passing whereof is hereby authorized or either of them shall be valid, legal and binding upon the said corporation and upon the ratepayers of the said city, notwithstanding anything contained in said agreement or in said by-law No. 1797 inconsistent with the provisions of this Act or in any Act of the Legislature of the Province of Ontario

Debentures
valid notwith-
standing
agreement
and by-law

5. The municipal corporation of the city of Ottawa is also hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate who may be willing to advance the same, the further sum of \$30,000 for the purpose of paying past liabilities contracted and incurred in connection with the acquisition of land for the enlargement and extension of the premises in the city of Ottawa known as Lansdowne Park and the erection and removing and re-erection of buildings thereon; for the purpose of paying for the completion of certain buildings thereon now incomplete and of paying for further improvements and the erection of other buildings thereon at such rate of interest not exceeding five per cent. per annum as the said corporation may agree to pay therefor and as security for the repayment of the said loan and the interest thereon to grant and mortgage the said lands and premises known as Lansdowne Park and the lands recently acquired by expropriation for the enlargement and extension thereof and to guarantee the repayment of the said loan and the interest thereon.

Power to raise
loan respect-
ing Lans-
downe Park.

6. The by-law or by laws of the said corporation authorizing the said loan shall not require to be submitted to, or to have the assent of the ratepayers of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Municipal Act* relating to by-laws creating debts be complied with.

By-law valid
without assent
of ratepayers
and notwith-
standing
Municipal
Act.

SCHEDULE A.

(Section 1).

By-Law No. .

A by-law to extend the time for compliance by the Ottawa and New York Railway Company with the conditions contained in a by-law of the Municipal Corporation of the City of Ottawa entitled "By-law No 1797—a by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus to issue debentures for the same and to authorize the levying of a special rate by the said Corporation for the payment of the said debentures and interest."

Whereas by-law No. 1797 of this corporation was passed on the 7th day of February, 1898, providing that it might be lawful for the said corporation to grant by way of bonus to the Ottawa and New York Railway Company towards the construction of their railway which lies between the City of Ottawa and the Town of Cornwall the sum of \$75,000, upon the condition mentioned in the said by-law and in an agreement in writing dated the 24th day of December, 1897, made between the said corporation and the said railway company and to make and issue debentures for the said sum of \$75,000 and to levy and collect an annual rate to provide for the payment of the said debentures and interest.

And whereas amongst other conditions in said by-law and agreement and in one or other of them contained it is provided that the said sum of \$75,000 shall be paid to the said railway company upon and only upon the completion and operation *by* the said railway company of its line of railway from the City of Ottawa across the St. Lawrence river by a bridge at or near the Town of Cornwall and to a connection *with* some railway or railways to the City of New York and the erection of the general workshops of the company in the City of Ottawa on or before the first day of July, 1899, and also that a strict compliance by the said railway company with the terms of the said by-law and agreement shall be a condition precedent to the right of the said company to the said sum of \$75,000 or any part thereof.

And whereas the said railway company has completed the construction of and put in operation its line of railway from the City of Ottawa to the Town of Cornwall and has commenced the construction of a bridge across the St. Lawrence river at or near the Town of Cornwall to connect its said line with a railway or railways to the City of New York, but has been prevented from completing the same by reason of an accident whereby two spans of the said bridge of 370 feet in length each while in course of construction collapsed and sank to the bottom of the river.

And whereas from investigation it appears that several of the stone piers constructed in connection with the said bridge will have to be rebuilt.

And whereas by reason of the said accident the said company in addition to loss of business will suffer a loss of from \$150,000 to \$200,000 and by reason of such accident, delay and loss, will be unable to complete its said bridge and to connect with a railway or railways to the City of New York and to erect its general workshops in the City of Ottawa within the time limited in the said by-law and agreement, that is to say on or before the first day of July, 1899.

And whereas the said railway company has applied to the municipal council of the corporation of the City of Ottawa to extend the period limited in the said by-law and agreement *for* the completion and operation of its said line of railway to a connection with some railway or railways to the City of New York by a bridge across the River St. Lawrence at or near the Town of Cornwall and for the erection of its general workshops in the City of Ottawa to the first day of July, 1900.

And whereas it is of the greatest importance to the said City of Ottawa that the said line of railway should be completed and operated to a connection with a railway or railways to the City of New York and the said general workshops erected in the said City of Ottawa.

And whereas the said corporation has been authorised by Act of the Legislative Assembly of the Province of Ontario being Chap. of

Victoria to extend the said period so limited in the said by-law and agreement to the 1st day of July, 1900, by by-law without obtaining the assent thereto of the ratepayers.

Therefore the municipal council of the corporation of the City of Ottawa in pursuance of the authority granted by the said Act ordains and enacts as follows :

Notwithstanding anything contained in the said by-law No. 1797 or in the said agreement dated the 24th day of December, 1897, the period limited in said by-law and agreement for the completion by the said Ottawa and New York Railway Company of its line of railway from the City of Ottawa across the St. Lawrence river by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York, and for the erection of the general workshops of the said company in the City of Ottawa is hereby extended to the first day of July, 1900, and the date which the said debentures are to bear is hereby changed from the 7th day of February, 1898, to the 7th day of February, 1899, and subject to such changes of dates and extension of time the said by-law No. 1797 and the said agreement of the 24th December, 1897, are hereby declared to be in full force and effect and binding upon the corporation of the City of Ottawa and upon the Ottawa and New York Railway Company in the same manner and to the same extent as if said last mentioned dates had been specified in said by-law and agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the City of Ottawa, this day
of 1899.

Mayor.

City Clerk.

SCHEDULE B.

(Section 1).

BY-LAW No. 1797.

A by-law to provide for aiding and assisting the Ottawa and New York Railway Company by granting to the said company the sum of seventy-five thousand dollars by way of a bonus, to issue debentures for the same and to authorize the levying of a special rate by the said corporation for the payment of said debentures and interest

Whereas the Ottawa and New York Railway Company have made application to the corporation of the City of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the Town of Cornwall in the County of Stormont to the City of Ottawa to the amount of seventy-five thousand dollars, and whereas it is deemed expedient to grant the same.

And whereas for such purpose it is necessary for the said corporation of the City of Ottawa to issue debentures to the said amount of seventy-five thousand dollars in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon.

And whereas it will require the sum of \$1,575 to be raised annually by a special rate on the whole rateable property of the City of Ottawa for the paying of the said sum of \$75 000 and interest on the debentures to be issued therefor of which the sum of \$3,000 will be for such interest and the sum of \$1,575 for a sinking fund from which to pay the said debentures.

And whereas the amount of the whole rateable property of the said City of Ottawa, according to the last revised assessment roll is \$21,-947,635.

And whereas the amount of the existing debenture debt of the said corporation of the City of Ottawa is \$3,378,869 exclusive of local improvement debts secured by special Acts rates or assessments and there is no part of the principal or interest thereof in arrear.

Therefore the council of the corporation of the City of Ottawa enacts and ordains as follows :

1. That it shall and may be lawful for the corporation of the City of Ottawa to grant by way of bonus to the Ottawa and New York Railway Company towards the construction of the said railway which lies between the Town of Cornwall and the City of Ottawa aforesaid the sum of \$75,000.

2. That for the purpose aforesaid it shall be lawful for the mayor of the said corporation and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the City of Ottawa to be made, executed and issued to the amount of seventy-five thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the branch agency of the Quebec bank in the City of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four per cent. per annum from the date thereof and such interest shall be made payable half-yearly, namely on the 7th day of February and on the 7th day of August in each and every year during the currency of the said debentures at the said branch or agency of the Quebec Bank at the City of Ottawa and such debentures shall have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures to be issued therefor as aforesaid the sum of \$4,575.00 shall be raised, levied and collected in each year of and from the whole rateable property of the said City of Ottawa by an equal special rate in addition to all other rates during the continuance of such debentures of which the sum of \$3,000 shall be such interest and the sum of \$1,575 for a sinking fund for the ultimate payment of the said debentures.

6. That the said sum of \$75,000 shall be paid to the said Ottawa and New York Railway Company upon and only upon the completion and operation by the said railway company of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the Town of Cornwall and to a connection with some railway or railways to the City of New York and the erection of the general workshops of the company in the City of Ottawa on or before the first day of July, 1899, and on its compliance with the terms of the agreement hereinafter mentioned.

7. That a strict compliance by the railway company with the terms of this by-law and with the terms of an agreement to be entered into between the said company and the said corporation before the submission of this by-law to the electors shall be a condition precedent to the right of the company to the said sum of \$75,000 or any part thereof.

8. That in the event of the said company failing to comply with the terms of the said agreement or otherwise becoming disentitled to any portion of the said sum of \$75,000 this by-law shall become null and void and of no force and effect.

9. That this by law shall come into force on the seventh day of February, 1898.

10. The votes of such of the electors of the said City of Ottawa as are by law entitled to vote thereon shall be taken on this by-law on Monday the third of January 1898, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the deputy returning officers hereinafter mentioned, that is to say :

VICTORIA WARD.

1. All that part of Victoria ward lying north of the centre of Queen street from Pooley's bridge to city limits. Polling place at Press House.

2. All that part of Victoria ward lying south of the centre of Queen street, north of the Richmond road and west of Pooley's bridge to the city limits. Polling place 282 Bridge street.

3. All that part of Victoria ward lying north of Wellington street from Dufferin bridge on the east to Pooley's bridge on the west. Polling place 389 Wellington street.

4. All that part of Victoria ward lying north of the centre of Sparks street, south of the centre of Wellington street, east of the centre of Concession street and west of the Rideau canal. Polling place 196 Wellington street.

DALHOUSIE WARD.

5. Bounded on the north by the Richmond road and Wellington street, on the south by Edward street and Primrose ave. and Maple street, on the west by Preston street and on the east by Concession street. Polling place 525 Albert street.

6. Bounded on the north by Edward street and Primrose ave., on the south by Emily street up to its intersection with Bell street, thence southerly along Bell street to its intersection with Louisa street, thence westerly along Louisa street to Division street, on the west by Division street and on the east by Concession street. Polling place at No. 7 fire station.

7. Bounded on the north by Emily street up to its intersection with Bell street, thence southerly along Bell street to its intersection with Louisa street, thence along Louisa street to Division street, on the south by the Rideau canal and Dow's Lake, on the west by Division street and Dow's Lake, on the east by Concession street. Polling place 385 Bell street.

8. Bounded on the north by the Richmond road from the western city limits up to its intersection with Preston street, thence southerly along Preston street to its intersection with Maple street, thence along Maple street to Division street, on the south by blocks 126, 125, 124, 123 and Pine street, on the west by the city limits and on the east by Division street. Polling place 90 Preston street.

9. Bounded on the north by blocks 119, 120, 121, 122, and Pine street, on the south by the Rideau canal and Dow's Lake, on the west by the city limits and on the east by Division street and Dow's Lake. Polling place No. 385 Rochester street.

WELLINGTON WARD.

10. Bounded on the north by the centre of Sparks street, on the south by the centre of Albert street, on the east by the centre of Bank street and on the west by the centre of Concession street. Polling place No. 2 fire station.

11. Bounded on the north by the centre of Albert street, on the south by the centre of Maria street, on the east by the centre of Bank street, and on the west by the centre of Concession street. Polling place No. 445 Maria street.

12. Bounded on the north by the centre of Maria street, on the south by the rear line of lots fronting on the south side of Gloucester street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including Lot No. 1 on the west side of Bank street and Lot No. 1 on the east side of Lyon street). Polling place No. 241 Gloucester street.

13. Bounded on the north by the rear line of the lots fronting on the north side of Nepean street, on the south by the centre of Lisgar street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including Lot No. 2 on the west side of Bank street, Lot No. 2 on west side of Lyon street and Lot C. on east side of Concession street). Polling place No. 477 Lisgar street.

14. Bounded on the north by the centre of Lisgar street, on the south by the rear line of the lots fronting on the south side of Cooper street, on the east by the centre of Bank street, and on the west by the centre of Concession street (including lots Nos. 3, 4, 5, on the west side of Bank street, lots Nos. 3, 4, 5, on the east side of Lyon street and lots D, E, F, G, H, I and K on the east side of Concession street). Polling place No. 275 Lyon street.

15. Bounded on the north by the rear line of the lots fronting on the north side of Somerset street, on the south by the rear line of the lots fronting on the south side of MacLaren street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including lots Nos. 6, 7, 8, 9, 10 and 11 on the west side of Bank street, lots Nos. 6 and 7 on the east side of Lyon street, lot No. 5 on the west side of Lyon street, lots L, P, Q, R, S, T and U on the east side of Concession street). Polling place No. 581 MacLaren street.

16. Bounded on the north by the rear line of the lots fronting on the north side of Gilmour street, on the south by the rear line of lots fronting on the south side of James street, and on the west by the centre of Concession street (including lots Nos. 12, 13, 14, 15, 16, 17, 18 and 19 on the west side of Bank street, lots V, W, Wa, X, Y, Z, 1, 2 and 3 on the east side of Concession street). Polling place No. 138 James street.

17. Bounded on the north by the rear line of lots fronting on the north side of Florence street, on the south by the rear line of lots fronting on the south side of Ann street, on the east by the centre of Bank street, and on the west by the centre of Concession street, (including lots No. 20 to 25, both inclusive, 1, 2 and 3 on the west side of Bank street, lots 1, 2 and 3 on the east and west sides of Kent street, lots 1, 2 and 3 on the east and west sides of Bay street, lots 1, 2 and 3 on the east and west sides of Percy street and lots 4 to 9, both inclusive on the east side of Concession street). Polling place No. 456 Ann street.

18. All that part of Wellington ward lying south of the rear line of lots fronting on the north side of McLeod street. Polling place No. 524 Bank street.

CENTRAL WARD.

19. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of O'Connor street, and on the west by the centre of Bank street. Polling place 188 Albert street.

20. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Metcalfe street, and on the west by the centre of O'Connor street. Polling place, 138 Sparks street.

21. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Elgin street, and on the west by the centre of Metcalfe street. Polling place, 37 Queen street.

22. Bounded on the north by the centre of Sparks street, on the south by the centre of Ann street, on the east by the Rideau canal, and on the west by the centre of Elgin street. Polling place, No. 109 Maria street.

23. Bounded on the north by the centre of Gilmour street, from Bank street to its intersection with the centre of Elgin street, thence southerly along the centre of Elgin street to its intersection with the centre of Ann street, thence easterly along the centre of Ann street to the Rideau canal, on the south by the rear line of the lots fronting on the south side of Catherine street, on the west by the centre of Bank street, and on the east by the Rideau canal. Polling place, 312 Ann street.

24. Bounded on the north by the rear line of lots fronting on the north side of Isabella street from Bank street to Rideau canal, on the south by the Rideau canal, on the west by the centre of Bank, and on the east by the Rideau canal. Polling place, No. 186 Isabella street.

ST. GEORGE'S WARD.

25. Bounded on the north by the centre of George street, on the south by the rear or south line of lots fronting on the south side of Rideau street, on the east by the centre of Cumberland street, and on the west by the Rideau canal. Polling place, 190 Rideau street.

26. Bounded on the north by the north or rear line of lots fronting on the north side of Besserer street, on the south by the centre of Theodore street, on the west by the Rideau canal, and on the east by the centre of Cumberland street. Polling place, No. 3 Fire Station.

27. Bounded on the north by the rear line of lots fronting on Rideau street north, on the south by the centre of Besserer street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place, 225 Besserer street.

28. Bounded on the north by the centre of Cumberland street, on the south by the centre of Stewart street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place, 212 Daly avenue.

29. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the east by the centre of King street, and on the west by the centre of Cumberland street to its intersection with Theodore street; thence along the centre of Theodore street to the Rideau canal; thence along the east bank of the said canal in a southerly direction to the said southern limits of the city. Polling place at 18 Theodore street.

30. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the west by the centre of King street, and on the east by the Rideau river. Polling place, 259 Wilbrod street.

BY WARD.

31. Bounded on the south by the centre of George street, on the north by the centre of York street, on the west by the centre of Mackenzie avenue, on the east by the centre of King street. Polling place, By Ward Market Hall.

32. Bounded on the south by the centre of York street, on the north by the centre of Clarence street, on the west by the centre of Mackenzie avenue, on the east by the centre of King street. Polling place, 184½ Clarence street.

33. Bounded on the south by the centre of Clarence street, on the north by the centre of Murray street, on the west by the centre of Mackenzie avenue, and on the east by the centre of King street. Polling place, 104 Murray street.

35. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the south by the centre of St. Patrick street, on the east by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to the centre of Chapel street to St. Patrick street, and on the west by the centre of King street. Polling place, 346 Clarence street.

36. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the north by the centre of St. Patrick street, on the east by the Rideau river, and on the west by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to Chapel street, thence northerly along the centre of Chapel street to St. Patrick street. Polling place, Anglesea Square Market Hall.

OTTAWA WARD.

37. Bounded on the south by the centre of St. Patrick street, on the north by the rear line of lots fronting on the north side of Church street, on the west by the centre of Sussex street, and on the east by

38. Bounded on the south by the centre of St. Patrick street, on the north by the centre of St. Andrew street, on the west by the centre of King street, and on the east by the Rideau river. Polling place, 587 St. Patrick street.

39. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street, on the north by the rear line of lots fronting on the north side of Water street, on the west by the Government Reserve land, including lots 1 to 6 inclusive, on the west side of Sussex street and on the east by the centre of Cumberland street. Polling place, 176 Dalhousie street.

40. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street to its intersection with King street, then northerly along the centre of King street to the centre of St. Andrew street to the Rideau river, on the north by the centre of Cathcart street, on the west by the centre of Cumberland street and on the east by the Rideau river. Polling place, 247 Water street.

41. Bounded on the south by the rear line of lots fronting on the south side of Cathcart street to its intersection with Cumberland street, thence northerly along the centre of Cumberland street to its intersection with the centre of Cathcart street to the Rideau river, on the north by the centre of Bolton street, on the west by the Ottawa River and on the east by the Rideau river. Polling place at Bingham Hall.

42. All that part of Ottawa Ward lying north of the centre of Bolton street. Polling place, 55 Dalhousie street.

RIDEAU WARD.

43. Comprising all that part of the City of Ottawa known as Rideau Ward. Polling place, Albert Hall, Stanley avenue.

That the following persons be and they are hereby appointed deputy returning officers to preside at the said polling places respectively :

Polling place No.	1, Harold Breene.
"	2, Godfroy Marsan.
"	3, James Clarke.
"	4, G. Mann.
"	5, John Murphy.

Polling place No.	6, Rockcliffe Roman.
"	7, George Fowler.
"	8, William Howe.
"	9, E. Lafontaine.
"	10, George Carman.
"	11, R. C. W. MacCuaig.
"	12, J. H. Salmon.
"	13, Jno. McIntosh.
"	14, Thos. Henderson.
"	15, W. H. Bishop.
"	16, W. H. Morgan.
"	17, G. Garrett.
"	18, Jas. Hickey.
"	19, James T. Moxley.
"	20, Alexander Duff.
"	21, Frank McDougal.
"	22, James H. Thompson.
"	23, F. Journeaux.
"	24, W. H. Sixsmith.
"	25, T. Westwick.
"	26, George Hawkins.
"	27, Jos. Potts.
"	28, Hugh W. Mix.
"	29, C. Desjardins.
"	30, A. M. Sutherland.
"	31, E. Gauthier.
"	32, Jos. Kennedy.
"	33, John Sullivan.
"	34, Augustin Lemay.
"	35, Geo. Mainville.
"	36, Thomas Morris.
"	37, P. R. Valiquette.
"	38, J. Z. Foisy.
"	39, N. Berichon.
"	40, L. Alexis Lessard.
"	41, E. Chateauvert.
"	42, Sam. Savage.
"	43, Fred. Dawson.

The 30th of December, 1897, in the council chamber of the city hall, Ottawa, at 10 o'clock in the forenoon, is appointed as the time and place for the appointment in writing by the said mayor, for the time being, of the corporation of the city of Ottawa, of such persons as shall attend at the various polling places and at the final summing up of the votes by the said clerk on behalf of the persons interested in and promoting or opposing the passage of this by-law respectively.

The 4th day of January, 1898, at the city clerk's office, in the city of Ottawa, at 12 o'clock noon, is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively. First publication on the 9th day of December, 1897.

Given under the corporation seal of the said corporation of the city of Ottawa this 7th day of February, 1898.

Certified,

(Sgd.) JOHN HENDERSON,

City Clerk.

(Sgd.) S. BINGHAM,

Mayor.

SCHEDULE C.

SECTION 1.

Memorandum of agreement entered into this 24th day of December, 1897, between the Ottawa and New York Railway Company, herein called "the company," of the first part, and the corporation of the city of Ottawa, herein called "the corporation," of the second part.

Whereas the council of the corporation of the city of Ottawa have, subject to the agreement herein, introduced a by-law and are about to submit the same to the ratepayers of the said city, for granting aid to the said company to the amount of seventy-five thousand dollars, to be paid to the said company upon and only upon the completion and operation of its line of railway from the City of Ottawa across the St. Lawrence River by a bridge at or near the town of Cornwall and to a connection with some railway or railways to the City of New York, and the erection of the general workshops of the company at the City of Ottawa on or before the first day of July, 1899.

And whereas it was agreed between the company and the corporation that in the event of such by-law being passed by the council of the corporation after receiving the assent of the electors thereto, that the company would erect and maintain the general workshops of the company necessary for the said line of railway in the City of Ottawa, such workshops to be erected on or before the first day of July, 1899.

Now this agreement witnesseth that in consideration of the passing of the said by-law and the granting of the said bonus, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows:—

That the said company shall, on or before the first day of July, 1899, erect the general workshops of the company necessary for the said railway in the City of Ottawa, and thereafter maintain the same within the said City of Ottawa.

That the head office of the company shall be established in the City of Ottawa on or before the first day of July, 1899, and thereafter maintained at the City of Ottawa.

The corporation agrees with the said company that in the event of the said general workshops being established and maintained within the limits of the City of Ottawa, the council of the corporation will exempt from taxation all workshops, round houses and stations of the said company, and the lands upon which the same may be built, for a period of ten years, and shall recommend a like exemption for a further period of ten years thereafter, as far as the said council can legally do so.

The term "general workshops" in this agreement shall mean and include the construction and repair shops of the company as well as the shops for all work necessary for the repair, maintenance and operation of the company's railway.

In witness whereof the parties hereto have hereunto caused their respective corporate seals to be affixed under the hand of their proper officers in that behalf, and duly certified.

Signed, sealed and delivered
in the presence of

(Sgd.)

C. E. CARTWRIGHT.
BURNSIDE ROBINSON.

(Sgd.)
OTTAWA AND NEW YORK RAILWAY COM-
PANY, by
CHAS. B. HIBBARD, President.
HENRY T. NASH, Secretary.
SAMUEL BINGHAM, Mayor.
JOHN HENDERSON, City Clerk.

BILL.

An Act respecting By-law No. 1,797 of the City of Ottawa and to authorize the corporation of the City of Ottawa to raise a further sum of money upon the security of Landowne Park.

First Reading, 2nd March, 1899.

*(Reprinted as introduced by Private Bills
Committee.)*

MR. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMEROY,

Printer to the Queen's Most Excellent Majesty.

No. 149.]

BILL.

[1899

An Act respecting St. Luke's General Hospital.

WHEREAS the St. Luke's General Hospital has by its Preamble petition prayed that an Act may be passed providing for certain amendments in the Act of the Legislature of the Province of Ontario, passed in the 60th year of Her Majesty's reign, chaptered. 104, incorporating the said Hospital; and
5 whereas it is expedient to grant the prayer of the said petition ;—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
10 as follows :

1. Section 7 of the said Act is hereby amended by inserting 60 Vic. c. 104 s. 7, amended. therein after subsection 2 the following subsections, that is to say :

2a. " If one person or if two or more persons jointly give in
15 his or their lifetime, or bequeath by his or their wills, or by other instrument or instruments in writing provide for the payment after his or their decease of a sum of not less than ten thousand dollars to the corporation for the purposes of the Hospital in the name of a person other than himself or of any
20 of themselves, whether such other person be living or deceased at the time such gift bequest or payment comes into effect, such other person in whose name said money is so donated as aforesaid shall upon the receipt of such money by the corporation be called and known as a founder of the Hospital, and subsection 3 of this section shall apply to such person."

2b. "Every person who, as in the next preceding subsection hereof is provided, gives in his lifetime, or bequeaths by his will, or by other instrument in writing provides for the payment after his decease of any sum of money not less than ten thousand dollars in the name of any person other than himself 5 to the corporation as aforesaid, shall, if such money is received by the corporation in the lifetime of such donor be himself upon the receipt of said money by the corporation a Life Governor of the corporation under this Act, or if he so desires he may in his place by any instrument in writing name any 10 other person to be such Life Governor of the corporation in virtue of such donation, and such donor may also by his will or other instrument in writing name or provide for the appointment of any person to be a Life Governor in succession to himself or to such other person so named by him as afore- 15 said as the case may be, and in like manner may name and provide for the appointment of a succession of persons to hold office as such Life Governor in virtue of such donation, and such donor or other person or persons from time to time so named or appointed as such Life Governor in virtue of such 20 donation as the case may be as aforesaid shall from the time such nomination or appointment takes effect, be and have all the rights of a Life Governor under this Act, but there shall never at any one time be more than one Life Governor holding office as such in virtue of such donation." 25

2c. "If any such donation of at least ten thousand dollars be given, bequeathed, or the payment thereof be provided for, by two or more persons jointly as in subsection 2a of said section is mentioned, said two or more persons or a majority of them may jointly by one or more instruments in writing 30 name one of themselves or any other person to be a Life Governor of the corporation in virtue of such joint donation, and may by the same or any other one or more instruments in writing jointly name or provide for the appointment of one of themselves in succession to such one of themselves or to 35 such other person as has been already named as Life Governor as aforesaid in virtue of such donation and in like manner may name or provide for a succession of persons to hold such office of Life Governor in virtue of such donation, and such one of such joint donors or other person or persons from time to time 40 so named or appointed as such Life Governors in virtue of such donation as the case may be as aforesaid shall from the time such nomination or appointment takes effect be and have all the rights of a Life Governor under this Act, but there shall never at any one time be more than one Life Governor holding 45 office as such in virtue of said donation."

60 V. c. c. 104,
s. 7, ss. 3,
amended.

2. Subsection 3 of section 7 of said Act of incorporation is hereby amended by adding after the word "by" in the 11th line of said subsection the words "or in the name of."

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting St. Luke's General
Hospital.

First Reading,

1899.

(Private Bill.)

Mr. POWELL.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 149.]

BILL.

[1899

An Act respecting St. Luke's General Hospital.

WHEREAS the St. Luke's General Hospital has by Preamble
petition prayed that an Act may be passed providing
for certain amendments in the Act of the Legislature of the
Province of Ontario, passed in the 60th year of Her Majesty's
reign, chaptered 104, incorporating the said Hospital; and
whereas it is expedient to grant the prayer of the said
petition;—

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 7 of the said Act is hereby amended by inserting 60 Vic. c. 104
therein after subsection 2 the following subsections, that is s. 7, amended.
to say:

2a. "If one person or if two or more persons jointly give in
his or their lifetime, or bequeath by his or their wills, or by
other instrument or instruments in writing provide for the
payment after his or their decease of a sum of not less than
ten thousand dollars to the corporation for the purposes of the
Hospital in the name of a person other than himself or of any
of themselves, whether such other person be living or deceased
at the time such gift bequest or payment comes into effect,
such other person in whose name said money is so donated as
aforesaid shall upon the receipt of such money by the corpor-
ation be called and known as a founder of the Hospital, and
subsection 3 of this section shall apply to such person."

2b. "Every person who, as in the next preceding subsection hereof is provided, gives in his lifetime, or bequeaths by his will, or by other instrument in writing provides for the payment after his decease of any sum of money not less than ten thousand dollars in the name of any person other than himself to the corporation as aforesaid, shall, if such money is received by the corporation in the lifetime of such donor be himself upon the receipt of said money by the corporation a Life Governor of the corporation under this Act, or if he so desires he may in his place by any instrument in writing name any other person to be such Life Governor of the corporation in virtue of such donation, and such donor may also by his will or other instrument in writing appoint any person to be a Life Governor in succession to himself or to such other person so named by him as aforesaid as the case may be, and in like manner may appoint a succession of persons to hold office as such Life Governor in virtue of such donation, and such donor or other person or persons from time to time so named or appointed as such Life Governor in virtue of such donation as the case may be as aforesaid shall from the time such nomination or appointment takes effect, be and have all the rights of a Life Governor under this Act, but there shall never at any one time be more than one Life Governor holding office as such in virtue of such donation."

2c. "If any such donation of at least ten thousand dollars be given, bequeathed, or the payment thereof be provided for, by two or more persons jointly as in subsection 2a of said section is mentioned, said two or more persons or a majority of them may jointly by one or more instruments in writing name one of themselves or any other person to be a Life Governor of the corporation in virtue of such joint donation, and may by the same or any other one or more instruments in writing jointly appoint one of themselves in succession to such one of themselves or to such other person as has been already named as Life Governor as aforesaid in virtue of such donation and in like manner may name a succession of persons to hold such office of Life Governor in virtue of such donation, and such one of such joint donors or other person or persons from time to time so named or appointed as such Life Governors in virtue of such donation as the case may be as aforesaid shall from the time such nomination or appointment takes effect be and have all the rights of a Life Governor under this Act, but there shall never at any one time be more than one Life Governor holding office as such in virtue of said donation."

60 V. c. c. 104,
s. 7, ss. 3,
amended.

2. Subsection 3 of section 7 of said Act of incorporation is hereby amended by adding after the word ~~and~~ "him" in the 5th line, the words "or in his name," and after the word ~~and~~ "by" in the 11th line of said subsection the words "or in the name of."

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting St. Luke's General
Hospital.

First Reading, 8th March, 1899.

*(Re-printed as amended by Private Bills
Committee.)*

Mr. POWELL.

TORONTO:

PRINTED BY I. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 150.]

BILL.

[1899.]

An Act to amend The Assessment Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Subsection 16 of section 7 of the said Act is hereby
5 amended by adding thereto the following words: "and also
all farming implements and vehicles, and all hay, grain and
other farm products being the property of said owner or tenant
and on the premises owned or occupied by him."

Rev. Stat.
c. 224, s. 7,
subs. 16,
amended.

No. 150.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Assessment Act.

First Reading, 23rd February 1899.

Mr. McLAUGHLIN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 151.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. *The Municipal Act* is amended by inserting therein Rev. Stat.
5 immediately after section 542 of the said Act the following, c. 223,
as section 542a :— amended.

542a. The council of any township may by by-law set Establish-
apart any unincorporated village or settlement and its immediate ment of fire
neighborhood in the township, and may pass by-laws applic limits in unin-
10 able within the limits of the territory so set apart for any or corporated
all of the purposes mentioned in subsection 1 of section 542 of villages.
this Act.

No. 151.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 23rd February, 1899.

Mr. GRAHAM.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 152.]

BILL.

[1898.]

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :

1. Subsection 1 of section 579 of *The Municipal Act* is
5 amended by inserting after the word "grain" in the third line
thereof the words "or vegetables, fruit or meats,"

Rev. Stat. c.
223, s. 579. sub
s. 1 amended.

2. Subsection 2 of said section is amended by striking out
the words "butter, eggs or poultry" in the second line
and inserting in lieu thereof the words "any farm produce
other than that mentioned in the first subsection."

Certain arti-
cles not to be
subject to
market fees.

2nd Session, 9th Legislature, 62 Vic., 1899

BILL.

An Act to amend The Municipal Act.

First Reading, 24th February, 1899.

MR. GERMAN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to Her Most Excellent Majesty.

No. 153.]

BILL.

[1899.

An Act to amend The Voters Lists Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

Section 8 of *The Voters Lists Act* is hereby amended by adding thereto the following :

(h) To each member of the county council for the division
in which the municipality is situate.

Rev. Stat. c.
8, s. 8, amend-
ed.

Sending out
copies of vot-
ers lists.

No. 153.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Voters List Act.

First Reading, 24th February, 1899.

Mr. HILL.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to Her Most Excellent Majesty

No. 153.]

BILL

[1899.

An Act to amend The Ontario Voters' Lists Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Voters' List Act* is amended by adding Rev. Stat.
c. 7, amended.
5 thereto the following as section 6a :

6a.—(1) In the case of any city in which the assessment roll is not returnable before the 30th day of September, the clerk immediately after the return by the assessor of the assessment roll, and without waiting for the revision and correction thereof by the court of revision or the judge, shall make out a correct alphabetical list of all persons appearing by the assessment roll to be entitled to be voters in the city, prefixing to the name of each person his number upon the said roll as heretofore: and shall within thirty days after receiving
10 the assessment roll cause two hundred copies of the said list to be printed in pamphlet form, and shall post up and deliver
15 copies of the said list in the manner provided by section 8 of this Act.

(2) A larger number of copies may be printed if the city
20 council, by resolution or otherwise, so decide or authorize.

(3) The alphabetical list made by the clerk on receiving the assessor's roll shall be deemed the list of voters which is subject to revision by the county judge, under section 13 of this Act, and the provisions of this Act which have reference to the

said alphabetical list therein mentioned shall apply to the lists provided for by this section.

(4) The time for giving notice of any complaint to be made to the judge under section 13 of this Act with respect to lists prepared under this section shall be thirty days after the clerk has posted up the said list in his office. 5

(5) The list prepared under this section shall be finally revised, corrected and certified by the county judge within one month after the last day for making complaints.

(6) In case the assessment roll of any city to which this section applies is not finally revised before the time herein limited for the final revision, correction and certifying of the voters' list by the judge, and upon appeal to the judge from the court of revision alterations are made by the judge in the assessment roll affecting the right of any person to be entered on the voters' list, the judge shall forthwith after the final revision of the roll, make out a list of such alterations and deliver the same to the clerk and the clerk shall make the corresponding changes, in the certified copies of the revised voters' list and the judge shall initial the same. 15
A copy of the said list of alterations shall be posted up by the clerk in his office. 20

Rev. Stat. c.
8, s 8,
amended.

2. Section 8 of the said Act is hereby amended by adding thereto the following :

Sending out
copies of vot-
ers lists.

(h) To each member of the county council for the division in which the municipality is situate. 25

3. Sections 52. to 60 inclusive of the said Act, are hereby repealed, and the following sections substituted therefor :

PART II.

52. Within fifteen days after the final revision of the assessment roll for any ward or sub division of a ward, the clerk of every city to which, under the provisions of this Part of this Act applies, shall prepare, make up and print the alphabetical list of voters' for such ward or sub-division in the manner prescribed by Part I of this Act. 30 35

53. Forthwith after the preparation and printing of the last of such lists, the clerk shall post up and distribute each of the said alphabetical lists for each such ward or sub-division in the manner prescribed by Part I of this Act, and forthwith after the clerk has posted up the said lists in his office, he shall cause a notice to be inserted once a week for three weeks in each daily newspaper published in the city calling upon persons who are aware of errors or omissions in the said lists or of changes which have been rendered necessary by reason of the death or removal of any person named therein or by reason of any person having acquired the necessary qualifications as a voter 40 45

since the return or final revision of the assessment roll for any such ward or sub-division of a ward to give notice of the same and shall name a time and place at which the judge will hold court for revising the lists for the whole city. The time for
 5 making complaints as to errors or omissions in the said lists shall be within twenty-one days after the publication of such notice.

54. It shall be the duty of the county judge so to arrange and proceed, and so to fix the sittings of the court for hearing
 10 complaints against or in respect of the said list that the complaint shall be heard and determined and the said lists finally revised, corrected and certified in manner provided by Part 1 of this Act within ten days after the last day for making complaints and in any case before the twentieth day of December.

15 55. In case no complaint respecting any of the said lists is received by the clerk of the municipality within twenty-one days after the first publication of such notice the clerk shall forthwith apply in person or by letter to the Judge to certify three
 20 copies of each of the said lists as being the last revised list of voters for the ward or subdivision, and the Judge shall retain one of the certified copies and deliver or transmit by post registered one certified copy to the clerk of the peace for the county or union of counties within which the said city lies, and one of the certified copies to the clerk of the municipality
 25 to be kept by him among the records of his office.

56. In case complaints are made as aforesaid with respect to any of the said lists within the said period of twenty-one days the Judge immediately after the lists have been revised and corrected by him shall proceed as provided by section 21 of
 30 this Act, and sections 22 and 23 of this Act shall apply to the lists prepared under this part.

57. The said lists as so revised, corrected and certified by the County Judge shall together form from time to time the last revised Voters' Lists for the city within the meaning of
 35 this Act, *The Ontario Election Act* and *The Municipal Act*, and the date fixed for the last day for making complaints to the County Judge under section 53 shall be deemed to be the last day for making complaints to the County Court Judge within the meaning of any oath prescribed by any of said Acts and such date shall be inserted in any such oath when the
 40 voting is upon a voters' list prepared under this Act.

No. 153.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to amend The Ontario Voter's List
Act.

First Reading, 30th March, 1899.

Mr. HILL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 154.]

BILL.

[1899.]

An Act to amend the Act respecting the office of
Sheriff.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Section 49 of chapter 17 of the Revised Statutes of On-
tario is hereby amended by inserting at the end of such section
5 the following words :—“ Provided that no person shall be ap-
pointed as a constable at the sittings of any of such courts un-
less he is a county constable regularly appointed according to
law.”

Rev. Stat. c.
17, s. 49,
amended.
Constables ap-
pointed for
sittings of
courts.

No. 154.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act respecting the
office of sheriff.

First Reading, 24th February, 1899

Mr. HILL.

TORONTO,
PRINTED BY L. K. CAMERON,
Printer to Her Most Excellent Majesty.

No. 155.]

BILL

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section 68 of *The Municipal Act* is hereby amended by
5 inserting after the word “city” in the fourth line thereof the
words, “or where a separated town is reunited to the county:”

Rev. Stat.
c. 223, s. 63,
amended.
Readjustment
of county
council
divisions.

No. 155.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1899.

MR. MATHESON.

TORONTO:

PRINTED BY J. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to amend The Ontario Election Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 2 of section 159 of *The Ontario Election Act* is amended by inserting after the word "shall" in the first line thereof the words "be imprisoned for a term of six months with or without hard labour and shall." Rev. Stat. c. 9, s. 159, subs. 2, amended. Imprisonment for bribery.

2. Subsection 2 of section 160 of the said Act is hereby amended by inserting after the word "shall" in the first line thereof the words "be imprisoned for a term of six months with or without hard labour and shall" Rev. Stat. c. 9, s. 167, subs. 2, amended. Imprisonment for receiving bribe.

3. Section 166 of the said Act is hereby amended by inserting after the word "influence" in the fourteenth line thereof the words "and shall be imprisoned for a term of six months with or without hard labour." Rev. Stat. c. 9, s. 166, amended. Imprisonment for undue influence.

4. Subsection 2 of 157 of the said Act is hereby amended by inserting after the word "shall" in the sixth line thereof the words "be imprisoned for a term of six months with or without hard labour and shall" and by striking out all that part of said subsection which follows the expression \$200 in the seventh line thereof. Rev. Stat. c. 9, s. 167, subs. 2, amended. Imprisonment for personation.

5. Section 169 of the said Act is hereby repealed. Rev. Stat. c. 9, s. 169, repealed. Court for trial of corrupt practices.

Rev. Stat. c. 9, s. 182, amended. Imprisonment for repeating. **6.** Section 182 of the said Act is hereby amended by inserting after the word "doing" in the second line thereof the words "be imprisoned for three months with or without hard labour and shall."

Rev. Stat. c. 9, s. 188, subs. 9, repealed. **7.** Section 188 of the said Act is hereby amended by striking out subsection 9 thereof and by adding thereto the following subsection: "The county crown attorney for the county or union of counties within which any electoral district is comprised shall attend the trial of any election petition complaining of the undue return or undue election of a member of the Legislative Assembly for such electoral district, and shall institute and conduct prosecutions for the violation of this Act in cases brought to his notice by the judge or judges at such trial." 5 10

Rev. Stat. c. 9, s. 191, subs. 3, amended. Returning officers guilty of offences in respect to ballot papers, etc. **8.** Subsection 3 of section 191 of the said Act is hereby amended by striking out the words "any term not exceeding" following the word "for" in the second line thereof and inserting in lieu thereof the words "a term of" and by striking out the words "any term not exceeding" following the word "for" in the fifth line thereof and inserting in lieu thereof the words "a term of." 15 20

Rev. Stat. c. 9, s. 192, subs. 1, amended. Unlawfully destroying election documents. **9.** Subsection 1 of section 192 of the said Act is hereby amended by inserting after the word "shall" in the seventh line thereof the words "shall be imprisoned with or without hard labour for a term of six months and shall." 25

Rev. Stat. c. 9, s. 192, subs. 2, amended. Imprisonment for aiding and abetting. **10.** Subsection 2 of the said section 192 of the said Act is hereby amended by inserting after the word "shall" in the third line thereof the words "be imprisoned for a term of six months with or without hard labour and."

No. 156.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend The Election Act.

First Reading, 27th February, 1899.

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 157]

BILL.

[1899.

An Act to amend The Municipal Act, 1897.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. *The Municipal Act* is amended by adding thereto the following as section 388a : Rev. Stat. c.
223 amended.

388a. The council of a city may, by by-law passed at any meeting of the council, without submitting the same for the same for the assent of the electors, raise such sum or sums of money as may be required to pay and liquidate its share of the cost and expense incurred in building and constructing and also of rebuilding and reconstructing bridges over any stream, which constitutes a dividing line between such city and any other municipality, and may in like manner pass a by-law or by-laws to raise such sum or sums of money as may be required to re-build any existing bridge within the municipality, and for such purposes, may issue debentures at such rates, for such times, not exceeding 20 years at the farthest, and upon such terms as such council may deem advisable, provided always that the aggregate amount to be raised for all of said purposes, shall not exceed the sum of \$20,000 in any one year.

City by-laws
for raising
money for cer-
tain bridges
without as-
sent of
electors.

Proviso.

No. 157.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 27th February, 1899.

Mr. MACNISH.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 158.]

BILL.

[1899.

An Act to amend The Municipal Act, 1897.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Section 583 of *The Municipal Act, 1899*, is hereby
5 amended by expunging the proviso following subsection 14 of
said section and substituting the following in lieu thereof:

Rev. Stat. c.
223, s. 583
amended.

Provided always that no such license shall be required for
hawking or selling from any vehicle or other conveyance any
goods, wares or merchandise to any retail dealer, or for hawk-
10 ing or peddling to any such retail dealer any goods, wares or
merchandise, the growth, produce or manufacture of this Prov-
ince, not being liquors within the meaning of the law relating
to taverns or tavern licenses, if the same are being hawked or
peddled by the manufacturer or producer of the goods, wares
15 or merchandise, or by his *bona fide* servants or employees
having written authority in that behalf; and such servant or
employee shall produce and exhibit his written authority when
required so to do by any municipal or peace officer.

Proviso, when
hawkers' li-
cense not to
be required.

2. Clause (a) subsection 14, of section 583, of *The Muni-*
20 *cipal Act, 1897*, is repealed and the following substituted in
lieu thereof:

Rev. Stat. c.
223, s. 583, s.-s.
14, par. (a) re-
pealed.

Who to be
deemed
hawkers.

(a) The word "hawkers" in this clause shall include all persons who, being agents for persons not resident within the county, or who, not being residents within the county, sell or offer for sale or solicit or receive orders for tea, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery or jewelry, or for the manufacture or furnishing of clothing or other wearing apparel, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise. 5 10

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to amend The Municipal Act, 1899.

First Reading, 27th February, 1899.

MR. MACNICHOL

THE HON. MR. MACNICHOL
Presented by Mr. MacNicol
in the name of the Government

No. 159.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

Section 524, of *The Municipal Act* is amended by adding
5 thereto the following subsection :—

(8). In case any person who is an inmate of such house of
industry or house of refuge is possessed of any real or per-
sonal property and desires to transfer such real or personal pro-
perty to the municipal corporation having control of such
10 house of industry as payment or compensation for his main-
tenance for such time as may be agreed upon, such person may
convey or transfer such real or personal property to the mun-
icipal corporation, and the municipal corporation may receive
and hold such real or personal property for the purposes of the
corporation and may dispose of the same in such manner as the
15 council may deem proper.

Rev. stat. c.
223, s. 524 a-
mended.
Inmates of
houses of in-
dustry or re-
fuge.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1899.

Mr. MALCOLM.

TORONTO.

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 160.]

BILL.

[1899.]

An Act to amend the San Jose Scale Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Section 7 of *The San Jose Scale Act* is amended by strik-^{61 V c. 33 s}
5 ing out the word “minister” wherever the same appears in ^{7 amended} appointment
the said section and inserting in lieu thereof the words ^{of inspector.}
“county council.”

No. 160.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The San Jose Scale Act.

First Reading, 28th February 1899.

Mr. JESSOP.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Notwithstanding anything contained in section 83 of *The* Summary of
5 *Assessment Act* it shall not be necessary for the clerk of any local assessment
municipality to transmit a copy of the assessment roll annually roll may be
to the clerk of the county in which such municipality is situate, transmitted
but it shall be deemed to be sufficient compliance with the to county
provisions of the said section if the clerk of the local municipi- clerk instead
10 of roll. pality transmit a summarized statement of the contents of the
roll showing the population of the municipality and the total
assessment of each of the various classes of property liable to
assessment therein, but the clerk of every such local municipi-
15 pality shall in every third year transmit a full copy of the roll
to the clerk of the county and whenever required so to do by
the county council or the county judge for the purpose of the
equalization of the assessment, he shall transmit a full copy of
the assessment roll. Provided that in default of the duty in Proviso.
this section imposed the clerk of the local municipality shall
20 incur the penalties provided by said section 83.

No. 161.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Assessment Act.

First Reading, 28th February, 1899.

MR. TAYLOR.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to incorporate The Ontario Historical
Society.

WHEREAS "The Ontario Historical Society" has by its Preamble.
petition represented that a society under the name of
"The Pioneer and Historical Association" of the Province of
Ontario, Canada, was organized at Toronto on the 4th day of
5 September, 1888, and the same was maintained under the said
name until the 23rd day of May, 1898, when it was re-organ-
ized under the name of "The Ontario Historical Society" with
a wider basis of membership; that the said society has been
maintained since the last mentioned date, and that the objects
10 of the said society are :—

(1) To unite the various pioneer and historical societies of
the Province in one central head or organization, thereby the
better to promote intercourse and co-operation on the part of
all such societies, to form new societies and to promote and
15 extend the influence and benefits thereof.

(2) Also to engage in the collection, preservation, exhibition,
and publication of materials for the study of history, espec-
ially the history of Ontario and Canada; to this end studying
the archæology of the Province, acquiring documents and manu-
20 scripts, obtaining narratives and records of pioneers, conduct-
ing a library of historical reference, maintaining a gallery of
historical portraiture and an ethnological and historical mu-
seum, publishing and otherwise diffusing information relative
to the history of the Province and of the Dominion, and in
25 general encouraging and developing within this Province the

study of history ; and whereas the said petitioner has prayed that for the better attainment of the said objects, the said society may be incorporated by Act of the Legislature of Ontario ; and whereas it is expedient to grant the prayer of the said petition ;

5

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- Incorporation.** 1. The Honorable G. W. Ross, L.L.D., Minister of Education, honorary president ; James H. Coyne, B.A., president ; D. 10
B. Read, Q.C., and John Ojijatekha Brant-Sero, elected vice-presidents ; David Boyle, secretary ; B. E. Charlton, treasurer ; the following ex-officio, honorary and elected members : Henry Scadding, Geo. A. Bull, C. C. James, Alfred Willson, Mary A. FitzGibbon, Janet Carnochan, P. L. Spencer, James Young, 15
Douglas Brymner, John Henderson, W. J. Robertson, Jas. G. Currie, W. R. Harris, Ernest Cruickshank, Geo. H. Mills, Geo. R. Pattullo, H. H. Dewart, Wm. H. Doel, C. O. Ermatinger, R. E. Kingsford, Frances B. Brant-Sero, Clementina Fessenden, W. S. Blackstock, Alfred Ball, Adam Shortt, Geo. D. Ferguson, 20
D. H. Price, Wm. Rennie, John H. Thompson, Sara Calder, Jas. C. Hamilton, R. G. Baxter, Geo. Allison, Chas. Durand, Nellie E. Manning, Lucy M. Ellerby, J. B. Mackenzie, Frank Yeigh, Jas. W. Tupper, M. MacLean Helliwell, A. R. Bain, A. S. Vogt, Edward S. Caswell, George M. Wrong, A. F. Rutter, E. J. 25
Hathaway, Angus MacMurchy, A. E. Lang, John D. Servos, Oswald Rigby, Geo. N. Morang, Bernard McEvoy, Geo. A. Howell, Willis Chipman, Thomas Southworth, W. A. McLean, Geo. W. Wells, Anna Matilda Coyne, Cecil F. Lavell, R. W. Sawtell, Edgar L. James, Francis R. Ball, together with such 30
other persons as now are or may hereafter become members of the society to be hereby incorporated under the provisions of this Act and the by-laws made under the authority thereof, and their successors shall be and are hereby constituted a body politic and corporate, by the name of "The Ontario Historical 35
Society," hereinafter called "The Society," and may by any legal title, acquire, hold and enjoy, for the use of the society, any property whatever, real or personal, and may alienate, sell and dispose of the same or any part thereof, from time to time, and as occasion may require, and other property real or per- 40
sonal, may acquire instead thereof ; provided always that the annual value of the real estate held at any one time for the actual use of the society shall not exceed four thousand dollars.
- Proviso.**

- Property of society.** 2. The society shall not hold any property except as afore- 45
said, and such as shall be derived from the following sources, that is to say, the life, annual and other subscriptions of members, donations, bequests or legacies made to the society and such other moneys or property as may be required by and

from the ordinary transactions of the society, or may now belong to the existing society, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws; provided always that the society shall sell and convey any real estate acquired by them under the provision of this section, within ten years after they shall have acquired the same, unless the same be required for the actual use of the society under the provisions of the next preceding section.

3. The affairs and business of the society shall be managed by such officers and committees, and under such restrictions, touching the powers and duties of such officers and committees, as by by-law in that behalf the society may from time to time ordain; and the society may assign to any of such officers such remuneration as they deem requisite.

Management
of affairs of
society.

4. The society may make such by-laws, not contrary to law, as they shall deem expedient for the administration and government of the society, and may repeal, amend or re-enact the same from time to time, observing always, however, such formalities as by such by-laws, or by the by-laws now in force, may be prescribed to that end, and generally shall have all the corporate powers necessary for the purposes of this Act.

By-laws.

5. The present by-laws of the existing society, not being contrary to law, shall be the by-laws of the society hereby constituted, until they shall be repealed or altered as aforesaid.

Present by-
laws con-
tinued.

6. Until others shall be elected according to the by-laws of the society, the present officers of the existing society shall be those of the society.

Present offi-
cers continued.

7. All subscriptions and penalties due to the society under any by-law may be recovered by suit in the name of the society; but any member may withdraw therefrom at any time, on payment of all amounts due by him to the society, inclusive of his subscription for the year then current, and shall, upon such withdrawal and payment of amounts due, cease to be a member of the society.

Recovery of
subscriptions
and penalties.

8. The society shall make annual reports to the Lieutenant-Governor and the Legislature of Ontario, containing a general statement of the affairs of the society, which said reports shall be presented within the first twenty days of every session of the Legislature.

Annual re-
port.

9. Any local historical or pioneer society now affiliated with the said society may become incorporated, with all the powers and privileges of said society, by passing a resolution to that effect, stating the proposed corporate name, and forwarding a copy of such resolution under the hands of its president and secretary to the Education Department and to the secretary of said society.

Local affil-
iated societies.

Incorporation
of societies
hereafter af-
filiated.

10. Any local historical or pioneer society hereafter becoming affiliated to the said society under the constitution and by-laws of the latter in that behalf, shall thereby become incorporated by the name under which it shall have become affiliated, and with all the powers and privileges conferred by this Act upon The Ontario Historical Society. 5

Publications,
etc., of local
societies to be
sent to O.H.S.

11. Each such local society shall send copies of all its publications to The Ontario Historical Society, from time to time as issued, and shall also make an annual report to the said central society containing full information as to the officers, number of members, and work done during the year; and section 8 of this Act shall not apply to any such local society, unless as directed from time to time by the Legislature or the Education Department. 10

Property of
local societies
ceasing to ex-
ist to be vested
in O.H.S.

12. In the event of any such affiliated society ceasing to exist, its library, museum and other property, if any, shall immediately become vested in the Ontario Historical Society, which may by its officers in that behalf take possession of the same, and retain the same until a society with objects similar to those of such former society shall have been formed, in the same municipality, when the same may be handed over to such new society upon such conditions and provisions for the security of the same as may be agreed upon. 15 20

Property of
O.H.S. to
vest in Crown
if society
ceases to ex-
ist.

13. In the event of The Ontario Historical Society ceasing to exist, its library, museum and other property, if any, shall forthwith become vested in Her Majesty, for the uses of the Province of Ontario, and the Minister of Education may make such rules and regulations as to the custody and care of the same as may be deemed expedient. 25

No. 162.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to incorporate The Ontario Historical Society.

First Reading, 28th February, 1898.

Mr. PATULLO.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 162.]

BILL.

[1899.

An Act to incorporate The Ontario Historical Society.

WHEREAS "The Ontario Historical Society" has by its Preamble. petition represented that a society under the name of "The Pioneer and Historical Association of the Province of Ontario," Canada, was organized at Toronto on the 4th day of September, 1888, and the same was maintained under the said name until the 23rd day of May, 1898, when it was re-organized under the name of "The Ontario Historical Society" with a wider basis of membership; that the said society has been maintained since the last mentioned date, and that the objects of the said society are :—

(1) To unite the various pioneer and historical societies of the Province in one central head or organization, thereby the better to promote intercourse and co-operation on the part of all such societies, to form new societies and to promote and extend the influence and benefits thereof.

(2) Also to engage in the collection, preservation, exhibition, and publication of materials for the study of history, especially the history of Ontario and Canada : to this end studying the archæology of the Province, acquiring documents and manuscripts, obtaining narratives and records of pioneers, conducting a library of historical reference, maintaining a gallery of historical portraiture and an ethnological and historical museum, publishing and otherwise diffusing information relative to the history of the Province and of the Dominion, and in general encouraging and developing within this Province the

study of history ; and whereas the said petitioner has prayed that for the better attainment of the said objects, the said society may be incorporated by Act of the Legislature of Ontario ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The Honorable Geo. W. Ross, L.L.D., Minister of Education, honorary president ; James H. Coyne, B.A., president ; D. B. Read, Q.C., and John Ojijatekha Brant-Sero, vice-presidents ; David Boyle, secretary ; B. E. Charlton, treasurer ; the following members : ~~the~~ The Reverend Henry Scadding, D.D. The Reverend Geo. A. Bull, M.A. ; C. C. James, M.A. ; Alfred Willson, Mary A. FitzGibbon, Janet Carnochan, The Reverend P. L. Spencer, M.A. ; The Honourable James Young, Douglas Brymner, LL.D., F.R.S.C. : John Henderson, M.A. : W. J. Robertson, M.A. ; Jas. G. Currie, Q.C. ; Very Rev. W. R. Harris, D.D. ; Ernest Cruickshank, Geo. H. Mills, Geo. R. Pattullo, H. H. Dewart, M.A. ; Wm. H. Doel, J.P. ; His Honor Judge C. O. Ermatinger, R. E. Kingsford, M.A. ; Frances B. Brant-Sero, Clementina Fessenden, The Reverend W. S. Blackstock, D.D. ; Alfred Ball, Adam Shortt, M.A. ; The Reverend Geo. D. Ferguson, B.A. ; D. H. Price, Wm. Rennie, John H. Thompson, Sara Calder, Jas. C. Hamilton, M.A., LL.B. ; R. G. Baxter, Geo. Allison, Chas. Durand, Nellie E. Manning, Lucy M. Ellerby, J. B. Mackenzie, Frank Yeigh, Jas. W. Tupper, B.A. ; M. MacLean Helliwell, The Reverend A. R. Bain, M.A., LL.D. ; A. S. Vogt, ; Edward S. Caswell, The Reverend George M. Wrong, M.A. ; A. F. Rutter, E. J. Hathaway, Angus MacMurchy, M.A. ; A. E. Lang, M.A. ; John D. Servos, The Reverend Oswald Rigby, M.A. ; Geo. N. Morang, Bernard McEvoy, Geo. A. Howell, Andrew Pattullo, M.P.P. ; Willis Chipman, Thomas Southworth, W. A. McLean, Geo. W. Wells, Anna Matilda Coyne, Cecil F. Lavell, B.A. ; R. W. Sawtell, Edgar L. James, Francis R. Ball, The Reverend A. H. Newinan, D.D., LL.D. ; R. W. Sawtell, Wm. Munro, The Reverend W. A. McKay, B.A., D.D., ~~to~~ together with such other persons as now are or may hereafter become members of the society to be hereby incorporated under the provisions of this Act and the by-laws made under the authority thereof, and their successors shall be and are hereby constituted a body politic and corporate, by the name of "The Ontario Historical Society," hereinafter called "The Society," and may by any legal title, acquire, hold and enjoy, for the use of the society, any property whatever, real or personal, and may alienate, sell and dispose of the same or any part thereof, from time to time, and as occasion may require, and other property real or personal, may acquire instead thereof ; provided always that the annual value of the real estate held at any one time for the actual use of the society shall not exceed four thousand dollars.

Proviso.

2. The society shall not hold any property except as aforesaid, and such as shall be derived from the following sources, Property of society. that is to say, the life, annual and other subscriptions of members, donations, bequests or legacies made to the society and such other moneys or property as may be required by and from the ordinary transactions of the society, or may now belong to the existing society, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws; provided always that the society shall sell and convey any real estate acquired by them under the provision of this section, within ten years after they shall have acquired the same, unless the same be required for the actual use of the society under the provisions of the next preceding section.

3. The affairs and business of the society shall be managed by such officers and committees, and under such restrictions, Management of affairs of society. touching the powers and duties of such officers and committees, as by by-law in that behalf the society may from time to time ordain; and the society may assign to any of such officers such remuneration as they deem requisite.

4. The society may make such by-laws, not contrary to law, By-laws. as they shall deem expedient for the administration and government of the society, and may repeal, amend or re-enact the same from time to time, observing always, however, such formalities as by such by-laws, or by the by-laws now in force, may be prescribed to that end, and generally shall have all the corporate powers necessary for the purposes of this Act.

5. The present by-laws of the existing society, not being Present by laws continued. contrary to law, shall be the by-laws of the society hereby constituted, until they shall be repealed or altered as aforesaid.

6. Until others shall be elected according to the by-laws of the society, the present officers of the existing society shall be Present officers continued. those of the society.

7. All sub-criptions and penalties due to the society under any by-law may be recovered by suit in the name of the society; but any member may withdraw therefrom at any time, on payment of all amounts due by him to the society, inclusive of his subscription for the year then current, and shall, upon such withdrawal and payment of amounts due, cease to be a member of the society. Recovery of subscriptions and penalties.

8. The society shall make annual reports to the Lieutenant-Governor and the Legislature of Ontario, containing a general Annual report. statement of the affairs of the society, which said reports shall be presented within the first twenty days of every session of the Legislature.

9. Any historical or pioneer society now affiliated with Local affiliated societies. the said society may become incorporated, with all the powers

and privileges of said society, by passing a resolution to that effect, stating the proposed corporate name, and forwarding a copy of such resolution under the hands of its president and secretary to the Education Department and to the secretary of said society.

Incorporation
of societies
hereafter af-
filiated.

10. Any historical or pioneer society hereafter becoming affiliated to the said society under the constitution and by-laws of the latter in that behalf, shall thereby become incorporated by the name under which it shall have become affiliated, and with all the powers and privileges conferred by this Act upon The Ontario Historical Society.

Publications,
etc., of local
societies to be
sent to O.H.S.

11. Each society *so affiliated* shall send copies of all its publications to The Ontario Historical Society, from time to time as issued, and shall also make an annual report to the said society containing full information as to the officers, number of members, and work done during the year; and section 8 of this Act shall not apply to any such society, unless so directed from time to time by the Legislature or the Education Department.

Property of
local societies
ceasing to ex-
ist to be vested
in O.H.S.

12. In the event of any such affiliated society ceasing to exist, its library, museum and other property, if any, shall immediately become vested in the Ontario Historical Society, which may by its officers in that behalf take possession of the same, and retain the same until a society with objects similar to those of such former society shall have been formed, in the same municipality, when the same *shall* be handed over to such new society upon such conditions and provisions for the security of the same as may be agreed upon.

Property of
O.H.S. to
vest in Crown
if society
ceases to ex-
ist.

13. In the event of The Ontario Historical Society ceasing to exist, its library, museum and other property, if any, shall forthwith become vested in Her Majesty, for the uses of the Province of Ontario, and the Minister of Education may make such rules and regulations as to the custody and care of the same as may be deemed expedient.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to incorporate The Ontario Historical Society.

First Reading, 28th February, 1898.

(Reprinted as amended by Special Committee.

Mr. PATULLO.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 163.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

Notwithstanding anything in *The Municipal Act* or in *The* Townships
5 *Municipal Amendment Act, 1898*, contained, the council of any may be divid
township formerly divided into wards may in any year before ed into wards.
the first day of November pass a by-law for dividing such
township into four wards, and at the next general municipal
election and at all subsequent municipal elections until such
10 by-law is repealed, one councillor shall be elected for each
ward, and the reeve shall be elected by general vote.

No. 163.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 28th February, 1899.

Mr. MCKAY.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 164.]

BILL

[1899.]

An Act respecting Brewers' and Distillers' and other Licenses.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

BREWERS' AND DISTILLERS' LICENSES.

5 1. In this Act "Brewer" shall, beside private persons and partnerships, include any incorporated company carrying on the business of a brewer within the Province; "Distiller" shall, beside private persons and partnerships, include any incorporated company carrying on the business of a distiller within the Province, and the pronouns "he" "his" and "him" shall include any such company.

2. No brewer or distiller shall sell any sprituous or fermented liquors unless he has taken out and is the holder of a Provincial License for the sale of liquors manufactured by him, nor unless the license is in force at the time of such sale.

3. The license to be taken out by a brewer shall be styled a "Brewer's Provincial License" and that to be taken out by a distiller a "Distiller's Provincial License."

What sales
may be made
under Provin-
cial license by
brewer.

4.—(1) A brewer's provincial license shall be an authority for the holder thereof to sell to persons who are holders of licenses under *The Liquor License Act*, ale and beer in the building in which they are manufactured in the quantities hereinafter mentioned and shall authorize him to sell by sample in such quantities to such persons in any municipality in the Province for future delivery. 5

Ale and beer.

(2) Ale and beer, other than lager beer shall not be sold, bartered or trafficked in by any brewer in quantities less than ten gallons, wine measure, in each vessel at any one time, 10 or lager beer in quantities less than four gallons, wine measure, in each vessel at any one time, and in any case where such selling by wholesale is in respect of bottled ale, beer or other fermented liquors no sale shall be made in quantities less than one dozen bottles of at least three half 15 pints each or two dozen bottles of at least three-fourths of one pint each at any one time.

What may be
sold by dis-
tiller.

5. A distiller's provincial license shall be an authority for the holder thereof to sell in quantities authorized by whole-sale license, spirits manufactured by him provided the sale is 20 made in the building in which the said spirits are manufac-tured, and also to sell by sample in any municipality as aforesaid for future delivery in the said quantities.

Brewery, etc.,
not to com-
municate with
retail store.

6. No shop or premises wherein any intoxicating liquor is sold by retail or wherein is kept any broken package of any 25 such liquor shall communicate by any entrance with any brewery or distillery.

Fees for brew-
er's license.

7. The fee to be paid for a Brewer's Provincial License shall be the following :

\$250 where the amount invested in the business of the 30 brewer obtaining the license is \$10,000 or less.

\$400 where the amount invested as aforesaid exceeds \$10,-000 but is not more than \$20,000.

\$500 where the amount invested as aforesaid exceeds \$20,-000 but is not more than \$40,000. 35

\$750 where the amount invested as aforesaid exceeds \$40,-000 but is not more than \$75,000.

\$1,000 where the amount invested as aforesaid exceeds \$75,000 but is not more than \$100,000.

\$1,500 where the amount invested as aforesaid exceeds 40 \$100,000.

Fees for dis-
tiller's license.

8. The fee to be paid for a Distiller's Provincial License shall be as follows :

\$1,000 where the amount invested in the business of the distiller obtaining the license is \$50,000 or less.

\$3,000 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$100,000.

5 \$4,000 where the amount invested as aforesaid exceeds \$100,000 but is not more than \$150,000.

\$5,000 where the amount invested as aforesaid exceeds \$150,000.

9. Where a new brewery or distillery business is commenced
 10 subsequent to the first day of May of any year, the Provincial Treasurer may issue a license on payment of a just proportion of the fees, having regard to the time for which such license is to run, and where a brewer or distiller has given up business during the currency of a license year so that neither
 15 manufacture nor sales will take place for the residue of the year, the Treasurer may in his discretion, on surrender of the license, refund a just proportion of the license fee paid.

Apportionment of license fee for broken period.

10. In ascertaining the amount invested in the business of a
 brewer or distiller for the purpose of determining the sum to
 20 be paid for a license as aforesaid there shall be included the value of the lands, buildings and plant used or occupied by a distiller or brewer for the purpose of his business as such distiller or brewer, including therein any business of malting or of fattening of cattle or swine or any other like business carried
 25 on in connection with the brewery or distillery either in proximity thereto or elsewhere, and the value of all the debts owing to the brewer or distiller in respect of the business, together with the value of the goods, chattels, personal property and other assets belonging to the business or used in connection
 30 therewith, and the value of the stock in trade on hand and of all lands and buildings, plant, goods and chattels and personal property connected with or belonging to the business of malting or fattening cattle or swine or any like business carried on in connection with the brewery or distillery as aforesaid, and
 35 the aggregate of such values shall be deemed to be the amount invested in the business of the brewer or distiller for the purpose of determining the amount to be paid for a license as aforesaid.

Amount invested in business how determined.

(2) Such values shall be ascertained as they were on the
 40 31st day of December preceding the issue of the license, unless upon the report of the Provincial Treasurer the Lieutenant-Governor in Council shall in any case or by general regulation fix some other date.

11.—(1) Brewer's Provincial Licenses and Distiller's Pro-
 45 vincial Licenses shall be issued in such form as the Lieutenant Governor in Council directs and may contain such conditions,

License form and conditions of.

terms and provisions as may be deemed proper or necessary by the Lieutenant-Governor in Council.

Date of
licenses.

(2). The licenses shall be signed and issued by the Provincial Treasurer, and shall unless where they are issued for a part of the year be dated as of the first day of May in each year and shall continue in force until and including the thirtieth day of April in the next ensuing year and no longer. R.S.O. c. 245, s. 8 (1). 5

Application
for license.

(3) Any brewer or distiller desiring to obtain a license shall apply therefor to the Provincial Treasurer on or before the 1st day of April of the license year for which the same is required, unless in the case of a new license which begins thereafter. 10

Statement
under oath by
brewer or dis-
tiller.

12.—(1) Every brewer and distiller shall within thirty days after the passing of this Act and thereafter on or before the 15th day of February of each year, file with the Provincial Treasurer a statement under oath in one of the forms given in Schedule "N" appended to this Act or in such other form as may be directed or provided by the Provincial Treasurer. 15

Treasurer may
require further
information.

(2) If the Treasurer in order to enable him to determine whether he should accept the statement filed as correct, desires to obtain further information, any brewer or distiller who is by registered letter requested by the Treasurer to furnish further information as to the amount invested in his business or as to the value of any lands, buildings, plant, goods or chattels, or property mentioned in Section 10 shall within twenty days of his being so requested furnish upon oath the information required. 20 25

Oath, admin-
istrator of.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public. 30

Statement
when company
carries on
business.

(4) Where the business is carried on by an incorporated company the said statement and the information furnished as required by this section shall be made and furnished upon oath by the president and manager, or by the manager and secretary of the company. If there are no such officers then by such persons as the Provincial Treasurer may require. 35

Commission of
enquiry as to
statements.

13. In case the required information is not furnished or the Treasurer is not satisfied therewith, the Lieutenant Governor in Council may direct inquiry to be made by a Commissioner or Commissioners appointed under *The Revised Statute respecting Inquiries, concerning Public Matters*, and the determination of such commissioner or commissioners after giving the brewer or distiller an opportunity to be heard. 40

Rev. Stat.
c. 19.

shall be final for the purposes of this Act, as to the amount invested in the business.

14.—(1) If the inquiry is occasioned by the failure of the brewer or distiller to furnish the information required by the
 5 Treasurer, the brewer or distiller shall pay the costs of the inquiry, but if the statement is found to be correct and the commissioner or commissioners find that the required information was duly furnished the costs of the inquiry shall be borne by the Province.

Costs of commission of enquiry.

10 (2) In case the commissioner or commissioners shall find that the statement filed has understated the amount invested in the business the brewer or distiller in addition to paying the costs of the inquiry shall pay for his license the sum chargeable on the basis of the amount invested in the business as reported
 15 by the commissioner or commissioners, and fifty per cent. added to such sum.

Additional sum to be paid when amount understated.

15.—(1) If in any case the Treasurer is unwilling to accept the statement filed as correct, and contemplates the issue of a
 20 commission of inquiry as aforesaid, or in case such a commission is issued and the commissioner or commissioners have not reported, the treasurer may notify the applicant for a license that the license will be issued to him upon the basis of the statement filed, but that the right to make inquiry is reserved, and in such case, notwithstanding the issue of the license, the
 25 inquiry may be proceeded with in the same manner and with the like effect as if the license had not been issued.

License may issue pending enquiry.

(2) If in any such case the commissioner or commissioners find that the statement filed has understated the amount
 30 invested in the business then, unless the licensee within ten days of his being notified of the said finding, shall pay to the Provincial Treasurer such an amount as with the amount previously paid by him for license fees will make up the sum of money which would be payable for a license on the basis of the amount invested in the business as reported by the
 35 commissioner or commissioners and fifty per cent. added to such sum, the said license so issued shall become and be *ipso facto* void.

License to be void on non-payment of amount found due by commission.

16. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount
 40 on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may upon the recommendation of the
 45 Treasurer return so much of the added percentage and remit so much of the costs as to him in his discretion may seem meet.

Remission of additional penalty where mis-statement made in good faith.

Costs, enforcing payment of

17. The costs of the commission shall be ascertained by the said Treasurer who, where the same are payable to the Crown, may by warrant under his hand and seal direct the sheriff of the county or the bailiff of any division court in the county to levy the same with costs by distress upon any goods or chattels, wherever found, of the brewer or distiller, or upon any goods or chattels in or upon the brewery or distillery premises, or on lands used in connection therewith. 5

Penalty for not filing statement in time.

18. If a brewer or distiller fails to file the statement required by section 12 within the time therein specified and thereafter applies for a license he shall, besides the fees hereinbefore prescribed pay for such license in addition the sum of \$10 for each day's delay in filing such statement, unless the Lieutenant Governor in Council upon the report of the Provincial Treasurer shall upon proof of extenuating or mitigating circumstances see fit to relieve such applicant in whole or in part from the said additional payment. 10 15

Penalty for brewer selling without license.

19. If a brewer shall sell, barter, or otherwise dispose of any fermented liquors without having a brewers' provincial license he shall forfeit to Her Majesty double the amount he would have been required to pay for a license under section 7 of this Act, to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury. 20

Penalty for distiller without license.

20. If a distiller shall sell, barter, or otherwise dispose of any spirituous liquor without having a distillers' provincial license he shall forfeit to Her Majesty double the amount he would have been required to pay for a distillers' provincial license under section 8 of this Act to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury. 25 30

Onus of proving amount invested to be on defendant.

21. In any suit brought under either of the next preceding two sections it shall be presumed that the defendant would have been required to pay the maximum license fee for a brewer's or distiller's provincial licence, according as the defendant is a brewer or distiller, until and unless the defendant proves to the satisfaction of the judge who tries the case the amount actually invested in his business. 35

Act not to relieve against penalties under Rev. Stat. c. 245.

22. Nothing in the next preceding three sections shall relieve any brewer or distiller from any penalty or punishment which may be imposed summarily under the provisions of *The Liquor License Act*, nor shall the imposition of any such penalty or punishment relieve any brewer or distiller from liability under the provisions of this Act. 40

Penalties may be applied on license fees.

23. In case the amount sued for under sections 19 or 20 is paid or levied the Provincial Treasurer may direct the issue 45

of a licence to the defendant without the payment of any other license fee, but no such license shall be issued if the license year has expired, and the issue of such license shall not affect any prosecution or other proceeding then pending.

- 5 **24.** Where a brewer or distiller carries on the business of a brewer or distiller at two separate places, a separate license shall be taken out for each place. Carrying on business at more than one place.

- 10 **25.** No fermented or spirituous liquors manufactured by any brewer or distiller in Canada, elsewhere than in the Province of Ontario, shall be sold in the Province of Ontario by or for such brewer or distiller, or by the agent or agents of such brewer or distiller, unless and until such brewer or distiller has first obtained a wholesale license under *The Liquor License Act*, for which shall be paid to the Provincial Treasurer the sum of \$1,000, and then only in wholesale quantities as defined by *The Liquor License Act* under the penalties provided by the said *Liquor License Act* as in the case of a sale of liquor without a license therefor, to be recovered in the manner therein provided. Liquors not to be sold in Ontario by brewers, etc. in other Provinces without wholesale license. Rev. Stat., c. 245.

- 20 **26.** Section 51 of *The Liquor License Act* is hereby repealed and the foregoing provisions are substituted therefor. Rev. Stat. c. 245, s. 51, repealed.

TAVERN, SHOP AND WHOLESALE LICENSES.

- 27.** Section 44, subsection 1, of said *Liquor License Act* is repealed and the following is substituted therefor: Rev. Stat. c. 245, s. 44, sub.-s. 1, repealed.

- 25 **44.**—(1) Over and above the duties for licenses hereinbefore imposed, in respect of tavern, shop and wholesale licenses, and any duties which have been or may be imposed by any municipal by-law, unless as to the last named duties the municipality by by-law otherwise provides, there shall be paid, in order to the raising of a revenue for provincial purposes, Duties payable to the Province.
- 30 for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the consolidated revenue of the Province:

For each wholesale license—

35	In cities having a population of 150,000 and upwards	\$300 00	Wholesale licenses.
	In cities having a population of 40,000 and less than 150,000	250 00	
	In cities having a population less than 40,000 ..	200 00	

For each tavern or shop license—

40	In cities having a population of 150,000 and upwards ..	300 00	Tavern and shop licenses.
	In cities having a population of 40,000 and less than 150,000	250 00	
45	In cities having a population of 20,000 and less than 40,000	200 00	

	In cities having a population less than 20,000 ..	\$150 00	
	In towns	70 00	
	Incorporated villages	60 00	
	Townships	30 00	
			5
Saloon licenses.	For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law	350 00	
	For each tavern license in towns granted to premises exempted from the necessity of having all the tavern accommodation provided by law	170 00	10
Beer and wine licenses.	For each beer and wine license a fee in addition to that provided by section 41 of one-half that hereby added to tavern licenses.		

Act to be read
with Rev.
Stat. c. 245.

26. This Act shall be read with and as part of *The Liquor License Act*, and shall come into force immediately upon the 15 passing thereof.

SCHEDULE N.

FORM OF STATEMENT OF AMOUNT INVESTED IN BREWERY OR DISTILLERY BUSINESS.

FORM No. 1.

(To be used in the case of a Company.)

We, _____ of the _____ of _____ in the County of _____ each (or ourselves) make oath and say :

1. That I the said _____ am the President (or as the case may be) of the _____ company licensed by the Government of the Dominion of Canada as a brewer (or distiller as the case may be), and that I the said _____ am the Manager (or as the case may be) of the said company.

2. That the said company carries on business as a brewer (or distiller) in the _____ of _____ in the County of _____

3. That the amount invested in the said business on the _____ day of _____ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ _____

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery (or distillery) either in proximity thereto or elsewhere, and the value of all the debts owing to the said company in respect of the said business, together with the value of the goods, chattels, personal property and

other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid.

Sworn before me at the
in the County of this
day of A. D. 1899.

FORM No. 2.

To be used in the case of a Partnership.

I, of the of in the
County of make oath and say :—

1. That I am a member of the partnership firm of
licensed by the Government of the Dominion of Canada as brewers (*or*
distillers) and have personal knowledge of the details of the said business
and with all facts hereinafter set out.

2. That the said partnership firm is composed of the following mem-
bers : (*Give names of all the members of the partnership firm.*)

3. That the said partnership firm carries on business as brewers (*or* dis-
tillers) in the of in the County of

4. That the amount invested in the said business of the said partnership
firm on the day of last was as nearly as I can
ascertain after careful investigation and computation and to the best
of my knowledge and as I verily believe. \$

5. That in ascertaining the said amount so invested in the said business
there has been and is included the value of all the lands, buildings and
plant used or occupied in the said business of brewer (*or* distiller) for the
purpose of such business as such brewer (*or* distiller), including therein
any business of malting, or of fattening of cattle or swine or any other
like business carried on in connection with the brewery (*or* distillery),
either in proximity thereto or elsewhere, and the value of all the debts
owing to the said partnership firm in respect of the said business, together
with the value of the goods, chattels, personal property and other
assets belonging to the business or used in connection therewith and the
value of the stock in trade on hand on the day aforesaid.

Sworn before me at the
in the County of this
day of A.D. 1899.

FORM No. 3.

To be used in case of an Individual.

I of the of in the County of make oath
of and say :—

1. That I am a brewer (*or* distiller), licensed by the Government of the
Dominion of Canada (*or* as the case may be).

2. That I carry on my business as a brewer (*or* distiller) in the
of in the County of

3. That the amount invested in my said business on the _____ day of _____ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ _____.

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (*or* distiller) for the purposes of such business as such brewer (*or* distiller) including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (*or* distillery) either in proximity thereto or elsewhere, and the value of all the debts owing to me in respect of the said business, together with the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid.

Sworn before me at the _____
in the County of _____ this _____
day of _____ A.D. 1899.

BILL.

An Act respecting Brewers' and Distillers'
and other Licenses.

First Reading, 1st March, 1899.

MR. HARCOURT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 164.]

BILL.

[1899.]

An Act respecting Brewers' and Distillers' and other Licenses.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

BREWERS' AND DISTILLERS' LICENSES.

1. In this Act "Brewer" shall, beside private persons and partnerships, include any incorporated company carrying on the business of a brewer within the Province; "Distiller" shall, beside private persons and partnerships, include any incorporated company carrying on the business of a distiller within the Province, and the pronouns "he" "his" and "him" shall include any such company.

"Brewer,"
"distiller,"
meaning of.

2. No brewer or distiller shall sell any spirituous or fermented liquors unless he has taken out and is the holder of a Provincial License for the sale of liquors manufactured by him, nor unless the license is in force at the time of such sale.

Brewers and
distillers not
to sell without
license.

3. The license to be taken out by a brewer shall be styled a "Brewer's Provincial License" and that to be taken out by a distiller a "Distiller's Provincial License."

License, how
styled.

What sales
may be made
under Provin-
cial license by
brewer.

4.—(1) A brewer's provincial license shall be an authority for the holder thereof to sell to persons who are holders of licenses under *The Liquor License Act*, ale and beer in the building in which they are manufactured in the quantities hereinafter mentioned and shall authorize him to sell by sample in such quantities to such persons in any municipality in the Province for future delivery.

Ale and beer.

(2) Ale and beer, other than lager beer shall not be sold, bartered or trafficked in by any brewer in quantities less than ten gallons, wine measure, in each vessel at any one time, or lager beer in quantities less than four gallons, wine measure, in each vessel at any one time, and in any case where such selling by wholesale is in respect of bottled ale, beer or other fermented liquors no sale shall be made in quantities less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time.

(3) Nothing in this section contained shall prevent a licensed brewer from selling in wholesale quantities to others than licensees in the license district in which his brewery is situated.

What may be
sold by dis-
tiller.

5. A distiller's provincial license shall be an authority for the holder thereof to sell in quantities authorized by whole-sale license, spirits manufactured by him provided the sale is made in the building in which the said spirits are manufactured, and also to sell by sample in any municipality as aforesaid for future delivery in the said quantities.

Brewery, etc.,
not to com-
municate with
retail store.

6. No shop or premises wherein any intoxicating liquor is sold by retail or wherein is kept any broken package of any such liquor shall communicate by any entrance with any brewery or distillery.

Fees for brew-
er's license.

7. The fee to be paid for a Brewer's Provincial License shall be the following :

\$250 where the amount invested in the business of the brewer obtaining the license is \$10,000 or less.

\$400 where the amount invested as aforesaid exceeds \$10,000 but is not more than \$20,000.

\$500 where the amount invested as aforesaid exceeds \$20,000 but is not more than \$50,000.

\$750 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$100,000.

\$1,000 where the amount invested as aforesaid exceeds \$100,000 but is not more than \$150,000.

\$1,500 where the amount invested as aforesaid exceeds \$150,000 but is not more than \$200,000.

\$2,000 where the amount invested as aforesaid exceeds \$200,000.

8.—(1) The fee to be paid for a Distiller's Provincial License shall be as follows : Fees for distiller's license.

\$1,000 where the amount invested in the business of the distiller obtaining the license is \$50,000 or less.

\$3,000 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$100,000.

\$4,000 where the amount invested as aforesaid exceeds \$100,000 but is not more than \$150,000.

\$5,000 where the amount invested as aforesaid exceeds \$150,000.

(2) The Lieutenant-Governor in Council, where it is shown that the sale by any distiller was the preceding year less than 10,000 gallons of proof spirits and that the sale will not exceed that quantity during the calendar year in which the license is to be issued may issue a distiller's Provincial license at a sum not less than one-third the minimum charge for a distiller's Provincial license.

9. Where a new brewery or distillery business is commenced subsequent to the first day of May of any year, the Provincial Treasurer may issue a license on payment of a just proportion of the fees, having regard to the time for which such license is to run, and where a brewer or distiller has given up business during the currency of a license year so that neither manufacture nor sales will take place for the residue of the year, the Treasurer may in his discretion, on surrender of the license, refund a just proportion of the license fee paid. Apportionment of license fee for broken period.

10. In ascertaining the amount invested in the business of a brewer or distiller for the purpose of determining the sum to be paid for a license as aforesaid there shall be included the value of the lands, buildings and plant used or occupied by a distiller or brewer for the purpose of his business as such distiller or brewer, including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery or distillery either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand and of all lands and buildings, plant, goods and chattels and personal property connected with or belonging to the business of malting or fattening cattle or swine or any like business carried on in connection with the brewery or distillery as aforesaid, and the aggregate of such values shall be deemed to be the amount invested in the business of the brewer or distiller for the purpose of determining the amount to be paid for a license as aforesaid. Amount invested in business how determined. In making such return or valuation the debts

owing to the brewer or distiller in respect of his business shall not be taken into account nor his liabilities or debts owing by him be deducted in making such return or valuation as aforesaid.

(2) Such values shall be ascertained as they were on the 31st day of December preceding the issue of the license, unless upon the report of the Provincial Treasurer the Lieutenant-Governor in Council shall in any case or by general regulation fix some other date.

License form
and conditions
of.

11.—(1) Brewer's Provincial Licenses and Distiller's Provincial Licenses shall be issued in such form as the Lieutenant Governor in Council directs.

Date of
licenses.

(2). The licenses shall be signed and issued by the Provincial Treasurer, and shall unless where they are issued for a part of the year be dated as of the first day of May in each year and shall continue in force until and including the thirtieth day of April in the next ensuing year and no longer. R.S.O. c. 245, s. 8 (1).

Application
for license.

(3) Any brewer or distiller desiring to obtain a license shall apply therefor to the Provincial Treasurer on or before the 1st day of April of the license year for which the same is required, unless in the case of a new license which begins thereafter.

Statement
under oath by
brewer or dis-
tiller.

12.—(1) Every brewer and distiller shall within thirty days after the passing of this Act and thereafter on or before the 15th day of February of each year, file with the Provincial Treasurer a statement under oath in one of the forms given in Schedule "N" appended to this Act or in such other form as may be directed or provided by the Provincial Treasurer.

Treasurer may
require further
information.

(2) If the Treasurer in order to enable him to determine whether he should accept the statement filed as correct, desires to obtain further information, any brewer or distiller who is by registered letter requested by the Treasurer to furnish further information as to the amount invested in his business or as to the value of any lands, buildings, plant, goods or chattels, or property mentioned in Section 10 shall within twenty days of his being so requested furnish upon oath the information required.

Oath, admin-
istrator of.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public.

Statement
when company
carries on
business.

(4) Where the business is carried on by an incorporated company the said statement and the information furnished as required by this section shall be made and furnished upon oath by the president and manager, or by the manager and secretary of the company. If there are no such officers then by such persons as the Provincial Treasurer may require.

13. In case the required information is not furnished or the Treasurer is not satisfied therewith, the Lieutenant Governor in Council may direct inquiry to be made by a Commissioner or Commissioners appointed under *The Revised Statute respecting Inquiries, concerning Public Matters*, and the determination of such commissioner or commissioners after giving the brewer or distiller an opportunity to be heard shall be final for the purposes of this Act, as to the amount invested in the business.

Commission of
enquiry as to
statements.

Rev. Stat.
c. 19.

14.—(1) If the inquiry is occasioned by the failure of the brewer or distiller to furnish the information required by the Treasurer, the brewer or distiller shall pay the costs of the inquiry, but if the statement is found to be correct and the commissioner or commissioners find that the required information was duly furnished the costs of the inquiry shall be borne by the Province.

Costs of com-
mission of
enquiry.

(2) In case the commissioner or commissioners shall find that the statement filed has understated the amount invested in the business the brewer or distiller in addition to paying the costs of the inquiry shall pay for his license the sum chargeable on the basis of the amount invested in the business as reported by the commissioner or commissioners, and fifty per cent. added to such sum.

Additional
sum to be paid
when amount
understated.

15.—(1) If in any case the Treasurer is unwilling to accept the statement filed as correct, and contemplates the issue of a commission of inquiry as aforesaid, or in case such a commission is issued and the commissioner or commissioners have not reported, the treasurer may notify the applicant for a license that the license will be issued to him upon the basis of the statement filed, but that the right to make inquiry is reserved, and in such case, notwithstanding the issue of the license, the inquiry may be proceeded with in the same manner and with the like effect as if the license had not been issued.

License may
issue pending
enquiry.

(2) If in any such case the commissioner or commissioners find that the statement filed has understated the amount invested in the business then, unless the licensee within ten days of his being notified of the said finding, shall pay to the Provincial Treasurer such an amount as with the amount previously paid by him for license fees will make up the sum of money which would be payable for a license on the basis of the amount invested in the business as reported by the commissioner or commissioners and fifty per cent. added to such sum, the said license so issued shall become and be *ipso facto* void.

License to be
void on non-
payment of
amount found
due by com-
mission.

16. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such

Remission of
additional
penalty where
mis-statement
made in good
faith.

understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may upon the recommendation of the Treasurer return so much of the added percentage and remit so much of the costs as to him in his discretion may seem meet.

Costs, enforcing payment of

17. The costs of the commission shall be ascertained by the said Treasurer who, where the same are payable to the Crown, may by warrant under his hand and seal direct the sheriff of the county or the bailiff of any division court in the county to levy the same with costs by distress upon any goods or chattels, wherever found, of the brewer or distiller, or upon any goods or chattels in or upon the brewery or distillery premises, or on lands used in connection therewith.

Penalty for not filing statement in time.

18. If a brewer or distiller fails to file the statement required by section 12 within the time therein specified and thereafter applies for a license he shall, besides the fees hereinbefore prescribed pay for such license in addition the sum of \$10 for each day's delay in filing such statement, unless the Lieutenant Governor in Council upon the report of the Provincial Treasurer shall upon proof of extenuating or mitigating circumstances see fit to relieve such applicant in whole or in part from the said additional payment.

Penalty for brewer selling without license.

19. If a brewer shall sell, barter, or otherwise dispose of any fermented liquors without having a brewers' provincial license he shall *for each such sale* forfeit to Her Majesty double the amount he would have been required to pay for a license under section 7 of this Act, to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury.

Penalty for distiller without license.

20. If a distiller shall sell, barter, or otherwise dispose of any spirituous liquor without having a distillers' provincial license he shall *for each such sale* forfeit to Her Majesty double the amount he would have been required to pay for a distillers' provincial license under section 8 of this Act to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury.

Onus of proving amount invested to be on defendant.

21. In any suit brought under either of the next preceding two sections it shall be presumed that the defendant would have been required to pay the maximum license fee for a brewer's or distiller's provincial licence, according as the defendant is a brewer or distiller, until and unless the defendant proves to the satisfaction of the judge who tries the case the amount actually invested in his business.

22. Nothing in the next preceding three sections shall relieve any brewer or distiller from any penalty or punishment which may be imposed summarily under the provisions of *The Liquor License Act*, nor shall the imposition of any such penalty or punishment relieve any brewer or distiller from liability under the provisions of this Act.

Act not to
relieve against
penalties un-
der Rev. Stat.
c. 245.

23. The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province except as to the penalties which may be imposed for infraction of or under *The Liquor License Act* and referred to in the 22nd section of this Act.

24. In case the amount sued for under sections 19 or 20 is paid or levied the Provincial Treasurer may direct the issue of a licence to the defendant without the payment of any other license fee, but no such license shall be issued if the license year has expired, and the issue of such license shall not affect any prosecution or other proceeding then pending.

Penalties may
be applied on
license fees.

25. Where a brewer or distiller carries on the business of a brewer or distiller at two separate places, a separate license shall be taken out for each place.

Carrying on
business at
more than one
place.

26. Section 51 of *The Liquor License Act* is hereby repealed and the foregoing provisions are substituted therefor.

Rev. Stat. c.
245, s. 51,
repealed.

TAVERN, SHOP AND WHOLESALE LICENSES.

27. Section 44, subsection 1, of *The Liquor License Act* is repealed and the following is substituted therefor:

Rev. Stat. c.
245, s. 44,
sub.-s. 1,
repealed.

44.—(1) Over and above the duties for licenses hereinbefore imposed, in respect of tavern, shop and wholesale licenses, and any duties which have been or may be imposed by any municipal by-law, unless as to the last named duties the municipality by by-law otherwise provides, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the consolidated revenue of the Province:

Duties pay-
able to the
Province.

For each wholesale license—

Elsewhere than in cities	\$100 00
In cities having a population of 150,000 and upwards	300 00
In cities having a population of 40,000 and less than 150,000	250 00
In cities having a population less than 40,000	200 00

Wholesale
licenses.

For each tavern or shop license—

In cities having a population of 150,000 and upwards	250 00
In cities having a population of 40,000 and less than 150,000	225 00

Tavern and
shop licenses.

	In cities having a population of less than 40,000	\$130 00
	In towns	70 00
	Incorporated villages	60 00
	Townships	30 00
Saloon licenses.	For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law.....	350 00
	For each tavern license in towns granted to premises exempted from the necessity of having all the tavern accommodation provided by law.....	170 00
Beer and wine licenses.	For each beer and wine license a fee in addition to that provided by section 41 of one-half that hereby added to tavern licenses.	

Act to be read
with Rev.
Stat. c. 245.

26. This Act shall be read with and as part of *The Liquor License Act*, and shall come into force immediately upon the passing thereof.

SCHEDULE N.

FORM OF STATEMENT OF AMOUNT INVESTED IN BREWERY OR DISTILLERY BUSINESS.

FORM NO. 1.

(To be used in the case of a Company.)

We, _____ of the _____ of _____ in the County
of _____ each (or ourselves) make oath and say :

1. That I the said _____ am the President (or as the case may be) of the _____ company licensed by the Government of the Dominion of Canada as a brewer (or distiller as the case may be), and that I the said _____ am the Manager (or as the case may be) of the said company.

2. That the said company carries on business as a brewer (or distiller) in the _____ of _____ in the County of _____

3. That the amount invested in the said business on the _____ day of _____ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ _____

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller) including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery (or distillery) either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in

trade on hand on the day aforesaid ~~and~~ without the deduction therefrom of the liabilities of the said company. ~~and~~

Sworn before me at the
in the County of _____ this
day of _____ A. D. 1899.

FORM No. 2.

To be used in the case of a Partnership.

I, _____ of the _____ of _____ in the
County of _____ make oath and say :—

1. That I am a member of the partnership firm of _____ licensed by the Government of the Dominion of Canada as brewers (or distillers) and have personal knowledge of the details of the said business and with all facts hereinafter set out.

2. That the said partnership firm is composed of the following members : (*Give names of all the members of the partnership firm.*)

3. That the said partnership firm carries on business as brewers (or distillers) in the _____ of _____ in the County of _____

4. That the amount invested in the said business of the said partnership firm on the _____ day of _____ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ _____

5. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purpose of such business as such brewer (or distiller), including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (or distillery), either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid ~~and~~ without the deduction therefrom of the liabilities of the said partnership firm. ~~and~~

Sworn before me at the
in the County of _____ this
day of _____ A.D. 1899.

FORM No. 3.

To be used in case of an Individual.

I _____ of the _____ in the County of _____ make oath
and say :—

1. That I am a brewer (or distiller), licensed by the Government of the Dominion of Canada (or as the case may be).

2. That I carry on my business as a brewer (or distiller) in the _____ of _____ in the County of _____

3. That the amount invested in my said business on the _____ day of _____ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ _____

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (or distiller) for the purposes of such business as such brewer (or distiller) including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (or distillery) either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid ~~and~~ without the deduction therefrom of any liabilities in respect of the said business. ~~and~~

Sworn before me at the _____
in the County of _____ this _____
day of _____ A.D. 1899.

BILL.

An Act respecting Brewers' and Distillers'
and other Licenses.

First Reading, 1st March, 1899.

*(Reprinted with amendments to conform
with resolutions.)*

MR. HARCOURT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 164.]

BILL.

[1899.]

An Act respecting Brewers' and Distillers' and other Licenses.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

BREWERS' AND DISTILLERS' LICENSES.

1. In this Act "Brewer" shall, besides private persons and partnerships, include any incorporated company carrying on the business of a brewer within the Province; "Distiller" shall, besides private persons and partnerships, include any incorporated company carrying on the business of a distiller within the Province, and the pronouns "he" "his" and "him" shall include any such company.

"Brewer,"
"distiller,"
meaning of.

2. No brewer or distiller shall sell any spirituous or fermented liquors unless he has taken out and is the holder of a Provincial License for the sale of liquors manufactured by him, nor unless the license is in force at the time of such sale.

Brewers and
distillers not
to sell without
license.

3 The license to be taken out by a brewer shall be styled a "Brewer's Provincial License" and that to be taken out by a distiller a "Distiller's Provincial License."

License, how
styled.

What sales
may be made
under Provin-
cial license by
brewer.

4.—(1) A brewer's provincial license shall be an authority for the holder thereof to sell to persons who are holders of licenses under *The Liquor License Act*, ale and beer on the premises in or on which they are manufactured in the quantities hereinafter mentioned and shall authorize him to sell by sample in such quantities to such persons in any municipality in the Province for future delivery. ⁴³⁷The said license shall also be an authority for the holder thereof to sell ale and beer in quantities as provided in this section in the building and license district aforesaid to others than licensees. ⁶²

Ale and beer.

(2) Ale and beer, other than lager beer shall not be sold, bartered or trafficked in by any brewer in quantities less than ten gallons, wine measure, in each vessel at any one time, or lager beer in quantities less than four gallons, wine measure, in each vessel at any one time, and in any case where such selling by wholesale is in respect of bottled ale, beer or other fermented liquors no sale shall be made in quantities less than one dozen bottles of at least three half pints each or two dozen bottles of at least three-fourths of one pint each at any one time.

What may be
sold by dis-
tiller.

5. A distiller's provincial license shall be an authority for the holder thereof to sell in quantities authorized by whole-sale license, spirits manufactured by him provided the sale is made in the building in which the said spirits are manufactured, and also to sell by sample in any municipality as aforesaid for future delivery in the said quantities.

Brewery, etc.,
not to com-
municate with
retail store.

6. No shop or premises wherein any intoxicating liquor is sold by retail or wherein is kept any broken package of any such liquor shall communicate by any entrance with any brewery or distillery.

Fees for brew-
er's license.

7. The fee to be paid for a Brewer's Provincial License shall be the following:

\$250 where the amount invested in the business of the brewer obtaining the license is \$10,000 or less.

\$400 where the amount invested as aforesaid exceeds \$10,000 but is not more than \$20,000.

\$500 where the amount invested as aforesaid exceeds \$20,000 but is not more than \$50,000.

\$750 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$100,000.

\$1,000 where the amount invested as aforesaid exceeds \$100,000 but is not more than \$150,000.

\$1,500 where the amount invested as aforesaid exceeds \$150,000 but is not more than \$200,000.

\$2,000 where the amount invested as aforesaid exceeds \$200,000.

8.—(1) The fee to be paid for a Distiller's Provincial License shall be as follows : Fees for distiller's license.

\$1,000 where the amount invested in the business of the distiller obtaining the license is \$50,000 or less.

\$3,000 where the amount invested as aforesaid exceeds \$50,000 but is not more than \$125,000.

\$4,000 where the amount invested as aforesaid exceeds \$125,000 but is not more than \$200,000.

\$5,000 where the amount invested as aforesaid exceeds \$200,000 but is not more than \$500,000.

~~72~~ \$6,500 where the amount invested as aforesaid exceeds \$500,000. ~~72~~

~~12~~ (2) The Lieutenant-Governor in Council, where it is shown that the sale by any distiller was the preceding year less than 10,000 gallons of proof spirits and that the sale will not exceed that quantity during the calendar year in which the license is to be issued may issue a distiller's Provincial license at a sum not less than one-third the minimum charge for a distiller's Provincial license. ~~72~~

9. Where a new brewery or distillery business is commenced subsequent to the first day of May of any year, the Provincial Treasurer may issue a license on payment of a just proportion of the fees, having regard to the time for which such license is to run, and where a brewer or distiller has given up business during the currency of a license year so that neither manufacture nor sales will take place for the residue of the year, the Treasurer may in his discretion, on surrender of the license, refund a just proportion of the license fee paid. Apportionment of license fee for broken period.

10. In ascertaining the amount invested in the business of a brewer or distiller for the purpose of determining the sum to be paid for a license as aforesaid there shall be included the value of the lands, buildings and plant used or occupied by a distiller or brewer for the purpose of his business as such distiller or brewer, including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery or distillery either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith, and the value of the stock in trade on hand and of all lands and buildings, plant, goods and chattels and personal property connected with or belonging to the business of malting or fattening cattle or swine or any like business carried on in connection with the brewery or distillery as aforesaid, and the aggregate of such values shall be deemed to be the amount invested in the business of the brewer or distiller for the purpose. Amount invested in business how determined.

pose of determining the amount to be paid for a license as aforesaid. ⁴²In making such return or valuation the debts owing to the brewer or distiller in respect of his business shall not be taken into account nor his liabilities or debts owing by him be deducted in making such return or valuation as aforesaid nor shall it be necessary to include the value of the stock of malt on hand in the said return or affidavit. ⁴³

(2) Such values shall be ascertained as they were on the 31st day of December preceding the issue of the license, unless upon the report of the Provincial Treasurer the Lieutenant-Governor in Council shall in any case or by general regulation fix some other date.

License form
and conditions
of.

11.—(1) Brewer's Provincial Licenses and Distiller's Provincial Licenses shall be issued in such form as the Lieutenant-Governor in Council directs.

Date of
licenses.

(2). The licenses shall be signed and issued by the Provincial Treasurer, and shall unless where they are issued for a part of the year be dated as of the first day of May in each year and shall continue in force until and including the thirtieth day of April in the next ensuing year and no longer. R.S.O. c. 245, s. 8 (1).

Application
for license.

(3) Any brewer or distiller desiring to obtain a license shall apply therefor to the Provincial Treasurer on or before the 1st day of April of the license year for which the same is required, unless in the case of a new license which begins thereafter.

Statement
under oath by
brewer or dis-
tiller.

12.—(1) Every brewer and distiller shall within thirty days after the passing of this Act and thereafter on or before the 15th day of February of each year, file with the Provincial Treasurer a statement under oath in one of the forms given in Schedule "N" appended to this Act or in such other form as may be directed or provided by the Provincial Treasurer.

Treasurer may
require further
information.

(2) If the Treasurer in order to enable him to determine whether he should accept the statement filed as correct, desires to obtain further information, any brewer or distiller who is by registered letter requested by the Treasurer to furnish further information as to the amount invested in his business or as to the value of any lands, buildings, plant, goods or chattels, or property mentioned in Section 10 shall within twenty days of his being so requested furnish upon oath the information required.

Oath, admin-
istrator of.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public.

Statement
when company
carries on
business.

(4) Where the business is carried on by an incorporated company the said statement and the information furnished as required by this section shall be made and furnished upon

oath by the president and manager, or by the manager and secretary of the company. If there are no such officers then by such persons as the Provincial Treasurer may require.

~~12~~(5) Where a brewer or distiller shall have paid or is willing to pay the maximum fee imposed by this Act for his license the Treasurer may dispense with the filing of the statement required by this section.

13. In case the required information is not furnished or the Treasurer is not satisfied therewith, the Lieutenant Governor in Council may direct inquiry to be made by a Commissioner or Commissioners appointed under *The Revised Statute respecting Inquiries; concerning Public Matters*, and the determination of such commissioner or commissioners after giving the brewer or distiller an opportunity to be heard shall be final for the purposes of this Act, as to the amount invested in the business.

Commission of enquiry as to statements.

Rev. Stat. c. 19.

14.—(1) If the inquiry is occasioned by the failure of the brewer or distiller to furnish the information required by the Treasurer, the brewer or distiller shall pay the costs of the inquiry, but if the statement is found to be correct and the commissioner or commissioners find that the required information was duly furnished the costs of the inquiry shall be borne by the Province.

Costs of commission of enquiry.

(2) In case the commissioner or commissioners shall find that the statement filed has understated the amount invested in the business the brewer or distiller in addition to paying the costs of the inquiry shall pay for his license the sum chargeable on the basis of the amount invested in the business as reported by the commissioner or commissioners, and fifty per cent. added to such sum.

Additional sum to be paid when amount understated.

15.—(1) If in any case the Treasurer is unwilling to accept the statement filed as correct, and contemplates the issue of a commission of inquiry as aforesaid, or in case such a commission is issued and the commissioner or commissioners have not reported, the treasurer may notify the applicant for a license that the license will be issued to him upon the basis of the statement filed, but that the right to make inquiry is reserved, and in such case, notwithstanding the issue of the license, the inquiry may be proceeded with in the same manner and with the like effect as if the license had not been issued.

License may issue pending enquiry.

(2) If in any such case the commissioner or commissioners find that the statement filed has understated the amount invested in the business then, unless the licensee within ten days of his being notified of the said finding, shall pay to the Provincial Treasurer such an amount as with the amount previously paid by him for license fees will make up the sum of money which would be payable for a license on the basis

License to be void on non-payment of amount found due by commission.

of the amount invested in the business as reported by the commissioner or commissioners and fifty per cent. added to such sum, the said license so issued shall become and be *ipso facto* void.

Remission of additional penalty where mis-statement made in good faith.

16. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may upon the recommendation of the Treasurer return so much of the added percentage and remit so much of the costs as to him in his discretion may seem meet.

Costs, enforcing payment of

17. The costs of the commission shall be ascertained by the said Treasurer who, where the same are payable to the Crown, may by warrant under his hand and seal direct the sheriff of the county or the bailiff of any division court in the county to levy the same with costs by distress upon any goods or chattels, wherever found, of the brewer or distiller, or upon any goods or chattels in or upon the brewery or distillery premises, or on lands used in connection therewith.

Penalty for not filing statement in time.

18. If a brewer or distiller fails to file the statement required by section 12 within the time therein specified and thereafter applies for a license he shall, besides the fees hereinbefore prescribed pay for such license in addition the sum of \$10 for each day's delay in filing such statement, unless the Lieutenant Governor in Council upon the report of the Provincial Treasurer shall upon proof of extenuating or mitigating circumstances see fit to relieve such applicant in whole or in part from the said additional payment.

Penalty for brewer selling without license.

19. If a brewer shall sell, barter, or otherwise dispose of any fermented liquors without having a brewers' provincial license he shall *for each such sale* forfeit to Her Majesty double the amount he would have been required to pay for a license under section 7 of this Act, to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury.

Penalty for distiller without license.

20. If a distiller shall sell, barter, or otherwise dispose of any spirituous liquor without having a distillers' provincial license he shall *for each such sale* forfeit to Her Majesty double the amount he would have been required to pay for a distillers' provincial license under section 8 of this Act to be recovered with costs by civil action at the suit of the Crown to be tried by a judge without a jury.

21 —(1) In any suit brought under either of the next preceding two sections it shall be presumed that the defendant would have been required to pay the maximum license fee for a brewer's or distiller's provincial licence, according as the defendant is a brewer or distiller, until and unless the defendant proves to the satisfaction of the judge who tries the case the amount actually invested in his business.

Onus of proving amount invested to be on defendant.

22 (2) In any such action Her Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

22. Nothing in the next preceding three sections shall relieve any brewer or distiller from any penalty or punishment which may be imposed summarily under the provisions of *The Liquor License Act*, nor shall the imposition of any such penalty or punishment relieve any brewer or distiller from liability under the provisions of this Act.

Act not to relieve against penalties under Rev. Stat. c. 245.

23, The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province except as to the penalties which may be imposed for infraction of or under *The Liquor License Act* and referred to in the 22nd section of this Act.

24. In case the amount sued for under sections 19 or 20 is paid or levied the Provincial Treasurer may direct the issue of a licence to the defendant without the payment of any other license fee, but no such license shall be issued if the license year has expired, and the issue of such license shall not affect any prosecution or other proceeding then pending.

Penalties may be applied on license fees.

25. Where a brewer or distiller carries on the business of a brewer or distiller at two separate places, a separate license shall be taken out for each place.

Carrying on business at more than one place.

26. Section 51 of *The Liquor License Act* is hereby repealed and the foregoing provisions are substituted therefor.

Rev. Stat. c. 245, s. 51, repealed.

TAVERN, SHOP AND WHOLESALE LICENSES.

27. Section 44, subsection 1, of *The Liquor License Act* is repealed and the following is substituted therefor :

Rev. Stat. c. 245, s. 44, sub.-s. 1, repealed.

44.—(1) Over and above the duties for licenses hereinbefore imposed, in respect of tavern, shop and wholesale licenses, and any duties which have been or may be imposed by any municipal by-law, unless as to the last named duties the municipality by by-law otherwise provides, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional

Duties payable to the Province.

duties thereon, the whole of which shall form part of the consolidated revenue of the Province :

Wholesale
licenses.

For each wholesale license—

~~12~~ Elsewhere than in cities	\$100 00 ~~1~~
In cities having a population of 150,000 and upwards	300 00
In cities having a population of 40,000 and less than 150,000	250 00
In cities having a population less than 40,000 ..	200 00

Tavern and
shop licenses.

For each tavern or shop license—

In cities having a population of 150,000 and upwards	250 00
In cities having a population of 40,000 and less than 150,000	225 00
~~13~~ In cities having a population of over 20,000 and less than 40,000	180 00 ~~1~~
~~13~~ In cities having a population of 20,000 and less .	130 00 ~~1~~
In towns	70 00
Incorporated villages	60 00
Townships	30 00

Saloon
licenses.

For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law

350 00

For each tavern license in towns granted to premises exempted from the necessity of having all the tavern accommodation provided by law

170 00

Beer and
wine licenses.

For each beer and wine license a fee in addition to that provided by section 41 of one-half that hereby added to tavern licenses.

~~14~~ In cities where an increase is by this Act made in the fee or duty payable for tavern and shop licenses no further increase in such fees or duties shall be made under section 42 or subsection 3 of section 44 of *The Liquor License Act* by the council of any such city.~~15~~

~~16~~ 28. The following shall be inserted in *The Liquor License Act* as section 12 (a) : —~~17~~

~~18~~ 12 (a)—(1) If the applicant for a tavern or shop license so desires the annual license fee or duty payable to the Province may be paid in two equal instalments, one on the first day of May and the other on or before the thirty-first day of October following.~~19~~

~~20~~ (2) In such case the license commissioners may grant the certificate in the next preceding section mentioned, and upon the applicant paying in to the bank to the credit of the License Fund Account for the license district one-half the said license

duty then upon the production by the applicant of the certificate of the commissioners together with a receipt showing payment of one half the said license duty to the credit of the License Fund Account the inspector may issue to the applicant a permit which shall remain in force for a period of six months that is to say from the first day of May in the year in which it is issued until the thirty-first day of October of the same year and no longer, and while in force shall confer on the holder the same privileges and authority as if he had obtained a license. ¹⁰¹

¹⁰²(3) Upon payment of the second instalment of the said duty in the manner now provided by the said Act for the payment of the license duty on or before the thirty-first day of October and on surrender of his permit the license may be delivered to the applicant by the inspector but not before. ¹⁰³

¹⁰⁴(4) The Lieutenant-Governor in Council may direct the issue of permits in such form as he may provide to be used in place of licenses where the license fee is paid by instalments and such permits shall be signed by the Minister and dated as of the first day of May in each year and shall be absolutely void and of no effect after the thirty-first day of October in the year in which the same is issued. ¹⁰⁵

¹⁰⁶(5) All the provisions of *The Liquor License Act* with regard to licenses and offences and penalties shall apply to persons holding permits in the same manner and to the same extent as if such persons were licensees, and a permit may be revoked or cancelled on the same grounds on which a license may be revoked or cancelled under sections 91 to 93 of the said *The Liquor License Act* and for the purpose of proceeding under the said sections the permit and any license subsequently granted shall be treated as one and the same. ¹⁰⁷

¹⁰⁸(6) Where a person to whom a permit has been granted sells liquor or otherwise offends against *The Liquor License Act* after the time mentioned in his permit has expired he shall be liable to the same penalties as are provided under *The Liquor License Act* in the case of a person who sells liquor without the license therefor by law required or otherwise offends as aforesaid and proceedings may be taken against him in the same manner and as though no license had been granted or issued. ¹⁰⁹

¹¹⁰(7) It shall not be necessary in any proceedings under the said *The Liquor License Act* to specify or particularize the permit, but the same shall be included for all such purposes in the word "license." ¹¹¹

30. This Act shall be read with and as part of *The Liquor License Act*, and shall come into force immediately upon the passing thereof. Act to be read
with Rev.
Stat. c. 245.

SCHEDULE N.

FORM OF STATEMENT OF AMOUNT INVESTED IN BREWERY OR DISTILLERY
BUSINESS.

FORM No. 1.

(To be used in the case of a Company.)

We, _____ of the _____ of _____ in the County
of _____ each (*or ourselves*) make oath and say :

1. That I the said _____ am the President (*or as the case may be*) of the _____ company licensed by the Government of the Dominion of Canada as a brewer (*or distiller as the case may be*), and that I the said _____ am the Manager (*or as the case may be*) of the said company.

2. That the said company carries on business as a brewer (*or distiller*) in the _____ of _____ in the County of _____

3. That the amount invested in the said business on the _____ day of _____ last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe \$ _____

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (*or distiller*) for the purpose of such business as such brewer (*or distiller*) including therein any business of malting or of fattening of cattle or swine or any other like business carried on in connection with the brewery (*or distillery*) either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid ~~as~~ except malt without the deduction therefrom of the liabilities of the said company.

Sworn before me at the _____
in the County of _____ this _____
day of _____ A. D. 1899.

FORM No. 2.

To be used in the case of a Partnership.

I, _____ of the _____ of _____ in
County of _____ make oath and say :—

1. That I am a member of the partnership firm of _____ licensed by the Government of the Dominion of Canada as brewers (*or distillers*) and have personal knowledge of the details of the said business and with all facts hereinafter set out.

2. That the said partnership firm is composed of the following members : (*Give names of all the members of the partnership firm.*)

3. That the said partnership firm carries on business as brewers (*or distillers*) in the _____ of _____ in the County of _____

4. That the amount invested in the said business of the said partnership firm on the day of last was as nearly as I can ascertain after careful investigation and computation and to the best of my knowledge and as I verily believe §

5. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (*or* distiller) for the purpose of such business as such brewer (*or* distiller), including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (*or* distillery), either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid ~~except~~ malt without the deduction therefrom of the liabilities of the said partnership firm ~~and~~

Sworn before me at the
in the County of this
day of A.D. 1899.

FORM No. 3.

To be used in case of an Individual.

I of the
of in the County of make oath
and say :—

1. That I am a brewer (*or* distiller), licensed by the Government of the Dominion of Canada (*or* as the case may be).

2. That I carry on my business as a brewer (*or* distiller) in the
of in the County of

3. That the amount invested in my said business on the day of
last was as nearly as I can ascertain after careful investigation
and computation and to the best of my knowledge and as I verily
believe §

4. That in ascertaining the said amount so invested in the said business there has been and is included the value of all the lands, buildings and plant used or occupied in the said business of brewer (*or* distiller) for the purposes of such business as such brewer (*or* distiller) including therein any business of malting, or of fattening of cattle or swine or any other like business carried on in connection with the brewery (*or* distillery) either in proximity thereto or elsewhere, and the value of the goods, chattels, personal property and other assets belonging to the business or used in connection therewith and the value of the stock in trade on hand on the day aforesaid ~~except~~ malt without the deduction therefrom of any liabilities in respect of the said business. ~~and~~

Sworn before me at the
in the County of this
day of A.D. 1899.

BILL

An Act respecting Brewers' and Distillers'
and other Licenses.

First Reading, 1st March, 1899.

Second Reading, 22nd March, 1899.

*(Reprinted as amended in Committee of
the Whole.)*

Mr. HARCOURT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to supplement the Revenues of the Province
of Ontario.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Where the following words occur in this Act or in the ^{Interpreta-}
schedule thereto, they shall be construed in the manner here-
inafter mentioned unless a contrary intention appears: ^{tion.}

1. "Bank" shall mean and include any corporation or joint "Bank."
stock company incorporated for the purpose of doing a bank-
ing business and which transacts a banking business in Ontario
10 and shall include a Savings Bank.

2 "Insurance Company" shall include life, fire, ocean marine, "Insurance
inland transit, accident, plate glass, steam boiler and burglary Company."
insurance companies and every guarantee company, no matter
whether the head office is situated in Ontario or elsewhere, but
15 shall not include mutual fire or mutual live stock insurance com-
panies licensed under section 53 of *The Ontario Insurance Act* ^{Rev. Stat.}
nor friendly or fraternal societies lawfully transacting insur- ^{c. 203.}
ance in Ontario under the said Act.

3. "Loan Company" shall include every loan company within "Loan Com-
20 the meaning of *The Loan Corporations Act* and also every cor-
poration, incorporated company and association, not being a ^{pany."}
bank or an insurance company, whose business or one of whose ^{Rev. Stat.}
^{c. 205.}

purposes is to lend money at interest either to the public or to its own members and which so lends money and transacts business in Ontario.

"Trust Com-
pany."
Rev. Stat.
c. 206.

4. "Trust Company" shall mean a company exercising in Ontario the powers set forth in the schedule to *The Act Respecting Trust Companies* or any of them. 5

"Head
Office."

5. "Head Office" except as hereinafter mentioned shall mean the place where the chief executive officers of the corporation transact its business within the Province.

"Head
Office."

6. "Head Office" in the case of companies whose organiza- 10
tion and chief executive officers are without the Province shall mean the office within the Province which on the thirty-first day of December, 1898, was known as the head office of the company within the Province, and in case no such office was known as the head office then the office in the Province 15
to which the other offices or agencies in the Province made returns, and in case there was no such office upon the date aforesaid then the office which did the largest business in the Province during the year 1898. In the case of companies or corporations which may hereafter begin business in the Pro- 20
vince, the head office shall be the office which shall be designated by the company, and notice thereof given to the Provincial Treasurer, and where no such notice is given the head office shall be that office or place of business of the com- 25
pany designated as the head office by the Provincial Treasurer.

"Company,"
"joint stock
company,"
"corpora-
tion."

7. The words "company," "joint stock company" and "cor-
poration," shall include every corporation, incorporated com-
pany and association to which this Act refers and which
transacts, or which during the year in respect of which
the tax is payable has transacted business in Ontario 30
whether incorporated by Act of Parliament or of a
Legislature or by Letters Patent or otherwise howsoever
and wherever organized and incorporated and wherever the
head office is situated or wherever the board of management
or executive officers transact the business of the company, 35
and shall also apply to all such companies, associations or cor-
porations which may be hereafter incorporated as aforesaid and
which shall do or transact business in Ontario; and where any
such corporation, company or association shall be placed in the
hands or under the control of trustees, liquidators or receivers, 40
then to such trustees, liquidators or receivers.

Partnerships,
syndicates and
trusts.

8. The word "company," "joint stock company" and "cor-
poration" shall further include a partnership, syndicate or
trust where the class or kind of business of any company to
which this Act applies is conducted or carried on by a part- 45
nership, syndicate or trust.

9. "Extra Provincial Company" shall mean a company which has the head office of the company elsewhere than in Ontario. "Extra Provincial Company."

2. In order to supplement the revenues of the Province Taxes to supplement revenues of the Province.
 5 every corporation or company being one of any of the classes of companies or corporations hereinafter mentioned or referred to and which transacts business in the Province of Ontario under its own name or through an agent or agents shall annually pay to the Province, each and every year, the
 10 several taxes by this Act imposed thereon at the times and in the manner hereinafter provided.

1. (a) Every bank shall pay a tax of one-tenth of one per cent. on the paid up capital stock where such paid up capital stock does not exceed \$2,000,000, and \$25 for every \$100,000
 15 or fraction thereof of the paid up capital stock in excess of the sum of \$2,000,000, and not exceeding \$6,000,000, and \$15 for every \$100,000 or fraction thereof, of paid up stock over \$6,000,000. Payable by banks.

(b) Every bank shall pay an additional tax of \$100 for each
 20 principal office or place of business in the Province, and \$25 for each additional office, branch or agency in the Province, but no tax shall be levied upon more than one office, branch or agency in any one municipality.

2. Every life insurance company which transacts business By insurance companies.
 25 in the Province of Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of one-half of one per cent., calculated on the gross premiums received by such company in respect of the business transacted in the said Province during the preceding year.

30 3. Every loan company which transacts business in the Province of Ontario shall pay a tax as follows: By loan companies.

(a) Companies with fixed or permanent paid up capital, \$65 where the paid up capital is \$100,000 or less, and \$65 on every additional \$100,000, or fraction thereof, of paid up capital.
 35

(b) Companies having only terminating or withdrawable capital amounting to \$500,000, but not exceeding \$1,000,000, the sum of \$100, and for every additional million of dollars, or fraction of a million of dollars, \$50; where such capital exceeds \$200,000, but does not exceed \$500,000, the sum of \$75, and where such capital exceeds \$200,000, but is \$100,000 or over, the sum of \$50.
 40

4. Every trust company shall pay a tax of one-third of By trust companies.
 45 one per cent. upon the paid up capital stock of the company.

By railway
companies.

5. Every railway company operating or running a line or part of a line of railway within the Province which has heretofore received or shall hereafter receive a subsidy from the Province shall pay a tax of \$15 per mile for each mile of such railway operated or used by the company so operating or using the same, but both the company or companies owning the lines or such part thereof and the company or companies operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer. 5 10

By street railway and electric railway companies.

6. Every street railway company in any city in the Province and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the Province shall pay a tax of \$20 per mile for each mile of track when the same does not exceed 15 miles in such city, \$35 per mile for each mile of track when the same exceeds 15 miles but does not exceed 25 miles, \$45 per mile for each mile of track when the same exceeds 25 miles but does not exceed 50 miles, and \$60 for each mile of track when the same exceeds 50 miles. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track. 15 20

By telegraph companies working their own lines.

7. Every telegraph company which works or operates a line of telegraph or part thereof owned by such company shall pay a tax of one-fourth of one per cent. upon the paid up capital stock of the company. 25

By telegraph companies whose lines are worked by other companies.

8. Every telegraph company which owns a line or part of a line of telegraph where the same or part thereof is operated or worked by others or by any other company other than the owners within the Province of Ontario, shall pay a tax of one-tenth of one per cent. on the paid up capital of such company, but where a company owning the line is taxable under the preceding clause, it shall not be taxable for an additional one-tenth of one per cent. under this clause: and every company which operates or works in the Province of Ontario a telegraph line or part of a telegraph line or one or more lines or parts thereof under lease or agreement with the owners of such line or lines or parts thereof shall pay a tax of one per cent. upon the paid up capital of such company and both the company or companies owning the lines or parts thereof and the company or companies or persons operating or working the said line or lines or part or parts thereof as aforesaid shall be jointly and severally liable for the payment of the amount of the taxes to Provincial Treasurer. 30 35 40 45

By telephone companies.

9. Every telephone company working or operating a telephone line for gain in the Province shall pay a tax of one-sixth of one per cent. upon the paid up capital of such company.

10. Every company engaged in producing natural gas in the province or whose officers, servants, contractors, or lessees are so engaged, or any company or person or persons who are producing natural gas under an arrangement or agreement with the said first mentioned company shall pay the sum of \$5,000; and also every company transmitting or transporting natural gas shall pay the sum of \$2,500; and where the company which produces natural gas also transmits or transports the same such company shall pay the sum of \$2,000, in addition to the aforesaid sum of \$5,000.

By natural gas companies.

11. Every express company or company doing a general express business in the province shall pay the sum of \$3,000.

By express companies.

12. Every company doing business in the province by either leasing or hiring sleeping cars or parlor cars to a railway company or to railway companies, or whose sleeping or parlor cars run upon or are used by a railway company or railway companies within the province by arrangement with such railway company or companies, shall pay the sum of \$3,000.

By sleeping car companies.

13. The Lieutenant-Governor in Council shall have power to remit or reduce taxation on any natural gas company where it is shown that it is a small domestic company organized and managed for the purpose of lighting and producing heat for mere domestic or local purposes within the county in which the gas is produced.

Remission or reduction of tax on natural gas company.

14. Banks, railway companies, street or electric railway companies in cities, telegraph companies, telephone companies, natural gas companies, companies transmitting natural gas, express companies, and sleeping or parlor car companies which pay the taxes by this Act imposed thereon, shall continue to be assessable and taxable for municipal purposes as heretofore, that is to say as they were by law assessable or taxable on the first day of February, 1899.

Banks and certain companies still liable to municipal assessment.

15. Where an insurance company pays the tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from municipalities or places without the municipality in which the head office is situated; but nothing in this section contained shall prevent the assessment or taxation of residents of such last mentioned municipality or of other persons in other municipalities as by law they were assessable and taxable on the first day of February, 1899. The premiums received by a company are not assessable by a municipality.

Insurance companies—where not liable to municipal assessment.

16. Where a loan company pays a tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such

Loan companies—where not liable to municipal assessment.

company in respect of so much of the income of the company as is derived from municipalities or places without the municipality in which the head office is situated ; but nothing in this section contained shall prevent the assessment or taxation of residents of such last mentioned municipality or of other persons in other municipalities as by law they were assessable and taxable on the first day of February 1899. 5

Trust companies—where not liable to municipal assessment.

7. Where any trust company pays the tax by this Act imposed no assessment shall be made or tax levied upon such company by the municipality in which the head office of such company is situated for or in respect of trust monies or securities therefor or income arising therefrom or the personal property held by such company for or on account of persons or beneficiaries who reside within the Province elsewhere than in the aforesaid municipality ; but nothing in this section contained shall prevent the assessment or taxation of the last mentioned persons or beneficiaries in other municipalities as by law they were assessable and taxable on the first day of February, 1899. 10 15

Local improvement taxes not affected.

8. Nothing in this Act contained shall affect or interfere with any special assessment by a municipality upon property benefited by any local improvement for the cost of such local improvement. 20

When tax to be payable.

9. The said taxes shall in the year 1899 be payable on the first day of November, and thereafter shall be payable on the first day of June in each and every year. 25

Returns by companies liable to tax.

10. - (1) On or before the first day of July in the year 1899, and thereafter on or before the first day of April in each year every corporation or company on which a tax is by this Act imposed and which is doing business in the Province shall without any notice or demand to that effect from the Government forward in duplicate to the Provincial Treasurer a detailed statement in which shall be set forth the name of the corporation or company, its nature, the amount of its capital stock, and the amount thereof paid up, and in the case of railways, street railways or railways operated by electricity and other companies paying a mileage rate the number of miles in operation in any city or cities within the Province. 30 35

Verification of returns.

(2) Such statement and the information required by this section shall be made and furnished by and under the oath of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company or by such other person or persons connected with the company or corporation as the Treasurer may require and shall be in accordance with one of the forms in Schedule A hereto. 40 45

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public. Oaths—who may administer.

11. Every corporation or company which, and the agent of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer aforesaid to be tried by a judge without a jury. Penalty for not making returns.

12. The Treasurer may for good cause enlarge the time for making any such return. Enlarging time for making return.

13.—(1) Every insurance company or in the case of extra-provincial insurance companies the chief agent in Ontario of each such company and other person making the affidavit or return shall, in addition to the above particulars, state in the affidavit and return the gross premiums earned during the preceding year by the company in respect or on account of business in the Province of Ontario. Additional returns by insurance companies.

(2) Every insurance company shall keep a separate book or set of books in which shall be correctly entered from time to time the premiums and all other receipts by the said company in respect of or accruing from business done by the said company in the Province of Ontario including the business of the year 1899, and in default thereof, and also in default of compliance with subsection 1 of this section the company shall pay the tax on the total gross premiums and gross income of the company. Books to be kept by insurance companies.

14. In case of default in payment of any taxes by this Act imposed the same may be collected with costs by distress upon the goods and chattels wherever found by the company liable therefor under a warrant signed by the Treasurer of the Province or the same may at the option of the Treasurer be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer, and the cause or suit shall be tried by a judge without a jury. Collection of tax.

15. In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this bill imposed the amount unpaid of such tax shall be a first lien or a preference claim upon the estate of such corporation or company. Insolvency—tax to be a preferred claim.

16. If the Treasurer in order to enable him to determine whether a statement furnished is correct, desires to obtain Requisition by treasurer

for further information. further information, he may by registered letter addressed to the president, manager, secretary, or agent of the corporation or company require a further statement to be furnished under oath within seven days.

Commission of enquiry. **17.** In case the required information is not furnished or in 5
case the treasurer is not satisfied therewith the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Revised Statute respecting Enquiries concerning Public Matters* and the determination of such commissioner or commissioners, 10
Rev. Stat. c. 19. after giving the parties an opportunity to be heard, shall, for the purpose of this Act, be final as to the particulars mentioned in their report, but the Lieutenant-Governor in Council may for cause vary said report: but the amount found by the commissioner or commissioners shall not be increased without 15
giving the company or its agents or solicitor an opportunity of being first heard.

Costs of commission. **18.—(1)** If the inquiry is occasioned by failure to furnish the information required by the Treasurer the company or corporation shall pay the costs of the inquiry, subject 20
to the next succeeding section, but if the statement is found to be correct and the required information was duly furnished the treasurer may direct the costs or such of them as were necessary to be paid by the Province and he may for this purpose settle the same or may direct a taxation thereof 25

Additional tax where amount understated. **(2)** In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the amount of the entire 30
tax as the same would have been computed under the preceding sections unless the Lieutenant-Governor in Council shall otherwise order.

Taxation of costs. **(3)** The costs of the commission shall be determined and 35
certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of taxes.

(4) If the Treasurer directs the costs to be taxed the same shall be taxed by either of the Taxing Officers of the High 40
Court.

When understatement of amount made in good faith. **19.** When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the 45
purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor-in-Council may, upon the recommendation of

the Treasurer, remit so much of the added per centage and so much of the costs as to him in his discretion may seem meet.

20. "Preceding year" in this Act shall mean the year ending the 31st of December next before the time when the taxes hereby imposed are payable, and the said taxes shall be levied upon the paid up capital stock, mileage or other basis of taxation as the same stood on the said 31st day of December, and the statement hereinbefore required shall give the information specified as of the said date.

10 21. In any action brought by the Treasurer under this Act it shall be sufficient if the action is brought by "the Treasurer of the Province of Ontario" as plaintiff and it shall not be necessary to name the treasurer and the action shall not abate by reason of a change in the person of Treasurer but the
15 action may proceed as though no change had been made.

Actions to be brought by "the Treasurer of the Province of Ontario."

22. This Act shall come into force immediately upon the passage thereof.

Commencement of Act.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL

An Act to supplement the Revenues of the
Province of Ontario.

First Reading, 1st March, 1899.

Mr. HARCOURT.

TORONTO.

PRINTED BY L. K. CAMERON,

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No. 165.]

BILL.

[1899.

An Act to supplement the Revenues of *the Crown in*
the Province of Ontario.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Where the following words occur in this Act or in the ^{Interpreta-}
schedule thereto, they shall be construed in the manner here-
inafter mentioned unless a contrary intention appears. tion.

1. "Bank" shall mean and include any corporation or joint "Bank."
stock company *wheresoever* incorporated for the purpose of
doing a banking business ^{whether} whether the head office is situated
in Ontario or elsewhere ^{and} and which transacts a banking busi-
ness in Ontario and shall include a Savings Bank.

2 "Insurance Company" shall include life, fire, ocean marine "Insurance
inland transit, accident, plate glass, steam boiler and burglary Company."
insurance companies and every guarantee company, ^{whether} where-
soever such companies may be incorporated, ^{whether} whether the
head office is situated in Ontario or elsewhere, ^{and} and which
transacts business in Ontario, ^{but} but shall not include mutual
fire ^{companies} companies (unless where any mutual fire insurance com-
pany transacts business on the cash premium system) ^{or} or
mutual live stock insurance companies licensed under section
53 of *The Ontario Insurance Act* nor friendly or fraternal
societies lawfully transacting insurance in Ontario under the ^{Rev. Stat.}
said Act. c. 203.

"Loan Com-
pany."
Rev. Stat.
c. 205.

3. "Loan Company" shall include every loan *and every loan-
ing land* company within the meaning of *The Loan Corpora-
tions Act* and also every corporation, incorporated company
and association, ^{and} wheresoever such *company* may be incor-
porated, whether the head office is in Ontario or elsewhere, ^{and}
not being a bank or an insurance company, whose business
or one of whose purposes is to lend money at interest either
to the public or to its own members, ^{and} whether the head
office is in Ontario or elsewhere, ^{and} and which so lends money
and transacts business in Ontario.

"Trust Com-
pany."
Rev. Stat.
c. 206.

4. "Trust Company" shall mean a company, *wheresoever
incorporated*, exercising in Ontario the powers set forth in
the schedule to *The Act Respecting Trust Companies* or any
of them.

"Head
Office."

5. "Head Office," ^{and} in the case of companies whose organiz-
ation and chief executive officers are within the Province, ^{and}
shall mean the place where the chief executive officers of the
corporation transact its business within the Province.

"Head
Office."

6. "Head Office" in the case of companies whose organiza-
tion and chief executive officers are without the Province shall
mean the office within the Province which on the thirty-first
day of December, 1898, was known, ^{and} or may at any time
thereafter be known, ^{and} as the head office of the company
within the Province, and in case no such office *is designated or*
known as the head office then the office in the Province
to which the other offices or agencies in the Province made
returns, and in case there was no such office upon the date
aforesaid then the office which did the largest business in the
Province during the year 1898. In the case of companies or
corporations, *wheresoever incorporated*, which may hereafter
begin business in the Province, the head office shall be the
office which shall be designated by the company, and notice
thereof given to the Provincial Treasurer, and where no such
notice is given the head office shall be that office or place of
business of the company designated as the head office by ^{and} an
order of the Lieutenant-Governor in Council on the report
of ^{and} the Provincial Treasurer.

"Company,"
"joint stock
company,"
"corpora-
tion."

7. The words "company," "joint stock company" and "cor-
poration," shall include every corporation, incorporated com-
pany and association to which this Act refers and which trans-
acts, or which during the year in respect of which the tax is
payable has transacted business in Ontario whether ^{and} now or
hereafter ^{and} incorporated by ^{and} or under any statute or ^{and} Act of
a Parliament or of a Legislature or by Letters Patent or other-
wise howsoever ^{and} within the territories and dominions of the
Crown or within any foreign country ^{and} and *wheresoever*
organized and incorporated and wherever the head office is
situated or *wheresoever* the board of management or executive

officers transact the business of the company, and shall also apply to all *similar* companies, associations or corporations which may be hereafter incorporated *for such purposes* as aforesaid and which shall do or transact business in Ontario; and where any such corporation, company or association shall be placed in the hands or under the control of *assignees*, trustees, liquidators or receivers, then to such *assignees*, trustees, liquidators or receivers.

8. The word "company," "joint stock company" and "corporation" shall further include *an individual*, a partnership, syndicate or trust where the class or kind of business to which this Act applies is conducted or carried on *in Ontario* by *such individual*, partnership, syndicate or trust, ^{Partnerships, syndicates and trusts.} ~~whether~~ whether the head office or chief place of business of such individual, partnership, syndicate or trust is in Ontario or elsewhere.

9. "Extra Provincial Company" shall mean a company which has the head office of the company elsewhere than in Ontario. ^{"Extra Provincial Company."}

~~10.~~ 10. The word "premiums" shall include the first premium payable upon the policy of insurance and the annual or other premiums payable thereon thereafter and whether for renewals or otherwise. ^{"Premiums."}

2 In order to supplement the revenues of the *Crown in the Province* every company, ^{Taxes to supplement revenues of the Province.} ~~joint stock company~~, corporation, association, individual, partnership, syndicate, or trust, hereinbefore described, and ~~being~~ ^{or} being one of any of the classes of companies or corporations, ~~or~~ ^{or} being an individual, partnership, syndicate or trust hereinafter mentioned or referred to and which transacts business in the Province of Ontario under its, *his or their* own name *or otherwise* or through an agent or agents shall annually pay to the *Crown in this Province*, each and every year, the several taxes by this Act imposed thereon at the times and in the manner hereinafter provided.

1. (a) Every bank shall pay a tax of one-tenth of one per cent. on the paid up capital stock where such paid up capital stock does not exceed \$2,000,000, and \$25 for every \$100,000 or fraction thereof of the paid up capital stock in excess of the sum of \$2,000,000, and not exceeding \$6,000,000. ^{Payable by banks.}

(b) Every bank shall pay an additional tax of \$100 for each principal office or place of business in the Province, and \$25 for each additional office, branch or agency in the Province, but no *such* tax shall be levied upon more than one office, branch or agency in any one municipality.

2. (a) Every life insurance company which transacts business in the Province of Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of *two-thirds* of one per cent., calculated on the gross premiums received by such company in respect of the business transacted in the said Province during the preceding year, ^{By insurance companies.} ~~but~~ but in the case of mutual

fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received by such company in cash in respect of the business transacted on a cash basis in the said Province during the preceding year. Provided that every insurance company licensed under section 53 of the *Ontario Insurance Act* and assessed under section 181 of the said Act shall be credited with the payment under the said last mentioned section as in reduction of the tax payable under this Act, and no insurance company made liable to taxation by this Act shall require any license, authorization or permit of any municipality for doing business in the municipality or for establishing agencies therein.

~~22~~(b) Where the receipts from premiums of a life insurance company whose head office is elsewhere than in Ontario are less than \$20,000, and where such company lends money on security and has invested in this Province \$100,000, or more, such company shall pay a tax of one per cent. calculated on the gross premiums and one-fourth of one per cent. on the income from investments received by such company in respect of the business transacted in the Province during the preceding year.

By loan companies.

3. Every loan company which transacts business in the Province of Ontario shall pay a tax as follows :

(a) Companies with fixed or permanent paid up capital, \$65 where the paid up capital is \$100,000 or less, and \$65 on every additional \$100,000, or fraction thereof, of paid up capital.

(b) Companies having only terminating or withdrawable ~~22~~capital where the amount of paid up capital is over \$100,000, the sum of \$65 on every \$100,000 or fraction thereof of paid up capital after the first \$100,000.

~~22~~(c) Where a loan company has its organization and head office in Great Britain or Ireland and employs a part of its paid up capital in Canada, the Lieutenant-Governor in Council may direct that the tax shall be calculated upon the amount of the paid up capital of the company which is used or employed in Canada.

By trust companies.

~~22~~4. Every trust company which transacts business in the Province of Ontario shall pay a tax of \$250 where the paid up capital is \$100,000 or less, and the sum \$65 on every additional \$100,000 or a fraction thereof of paid up capital, and where the gross profits of any trust company are \$25,000 per annum or over, such company shall pay the further sum of \$500 per annum. The interest received by a trust company from the paid up capital of the company which may be invested shall not for the purpose of this Act be reckoned as gross profits.

5. Every railway company operating or running a line or part of a line of railway within the Province shall pay a tax of \$5 per mile for each mile of such railway ^{By railway companies.} ~~from terminus to terminus~~ operated or used by the company so operating or using the same, but both the company or companies owning the lines or such part thereof and the company or companies operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer. ~~The measurement shall not include switches, spurs, or sidings nor double measurement in case of double track.~~ The word "railway" or the words "railway company" in this section and in section 8 shall not include an electric railway or electric railway company or a tramway or a tramway company.

6. Every street railway company in any city in the Province and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the Province ^{By street railway and electric railway companies.} ~~for carrying passengers~~ shall pay a tax of \$20 per mile for each mile of track ~~in such city~~ when the ~~whole line~~ does not exceed 20 miles, \$35 per mile for each mile of track when the ~~whole line~~ exceeds 20 miles but does not exceed 30 miles, \$45 per mile for each mile of track when the ~~whole line~~ exceeds 30 miles but does not exceed 50 miles, and \$60 for each mile of track when the ~~whole line~~ exceeds 50 miles. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track ~~but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted.~~

7. Every telegraph company which owns a line or part of a line of telegraph where the same or part thereof is operated or worked by others or by any other company other than the owners within the Province of Ontario, shall pay a tax of one-tenth of one per cent. on the paid up capital of such company, but where a company owning the line is taxable under the preceding clause, it shall not be taxable for an additional one-tenth of one per cent. under this clause; and every company which operates or works in the Province of Ontario a telegraph line or part of a telegraph line or one or more lines or parts thereof under lease or agreement with the owners of such line or lines or parts thereof shall pay a tax of *one-tenth of one per cent.* upon the paid up capital of such company and both the company or companies owning the lines or parts thereof and the company or companies or persons operating or working the said line or lines or part or parts thereof as aforesaid shall be jointly and severally liable for the payment of the amount of the taxes to Provincial Treasurer. ^{By telegraph companies whose lines are worked by other companies.}

~~8.~~ Every railway or other company, other than a telegraph company, which owns or operates a line or lines or part of a ^{By railway companies,}

etc., operating line or lines of telegraph operated in the Province shall pay a tax of one-tenth of one per cent. upon the total amount of capital invested in the whole telegraph line or lines or works.

By telephone companies. 9. Every telephone company working or operating a telephone line for gain in the Province shall pay a tax of one-sixth of one per cent. upon the paid up capital of such company.

By gas and electric light companies. 10. Every gas company and every electric lighting company in any city in the Province shall pay a tax of one tenth of one per cent. on its paid up capital, but this shall not apply to any gas or electric works owned by a municipality and operated for the purposes of the municipality.

By natural gas companies. 11. Every company engaged in producing natural gas in the province or whose officers, servants, contractors, or lessees are so engaged, or any company or person or persons who are producing natural gas under an arrangement or agreement with the said first mentioned company shall pay the sum of \$2,000; and every company transmitting or transporting natural gas shall also pay the sum of \$2,000; and each of the said companies, whether a producing or transmitting or transporting company, or both a producing and transmitting or transporting company, and every such person who is producing natural gas as aforesaid shall in addition pay a sum equal to one per cent., calculated upon the gross earnings of the said company or person during the preceding year.

By express companies. 12. Every express company or company doing *express business* or a general express business in the province shall pay the sum of \$2,000.

By sleeping car companies. 13. Every company doing business in the province by either leasing or hiring sleeping cars or parlor cars to a railway company or to railway companies, or whose sleeping or parlor cars run upon or are used by a railway company or railway companies within the province shall pay the sum of one-third of one per cent. upon the capital of the company invested in cars and rolling stock used in Ontario during the preceding year.

Remission or reduction of tax on natural gas company. 13. The Lieutenant-Governor in Council shall have power to remit or reduce taxation on any natural gas company where it is shown that it is a small domestic company organized and managed for the purpose of lighting and producing heat for mere domestic or local purposes within the county in which the gas is produced or where it is shewn that the producing power of the gas wells has become greatly lessened by use or time, or may reduce the amount of the foregoing taxes upon a company having paid up capital stock of less than \$5,000.

Regulation of charges of natural gas companies by Lieutenant-Governor in Council. 14. Where natural gas companies or natural gas transmitting companies produce or transmit gas for export, the price or charge at which the same shall be supplied to municipalities, companies and persons shall be subject to regulation by the Lieutenant-Governor in Council.

~~42~~ 5. It shall be lawful for the Lieutenant-Governor in Council, when the head office or principal place of business of any bank is in any Province of the Dominion other than Ontario, and it employs within this Province only a part of its paid up capital, and has not more than five agencies or branch offices within the Province, to reduce the amount of the tax, regard being had to the amount of the capital or other monies of such bank at any time in use in this Province; but the tax exacted shall not in any such case be less than one-tenth of one per cent. upon the capital or monies of such bank used within this Province during the last preceding year. ~~27~~

~~42~~ Lieutenant-Governor may reduce tax on banks having head office out of Ontario. ~~28~~

6. Banks, street or electric railway companies in cities, telegraph companies, telephone companies, ~~27~~ gas companies and electric lighting companies, ~~28~~ natural gas companies, companies transmitting natural gas, express companies, and sleeping or parlor car companies which pay the taxes by this Act imposed thereon, shall continue to be assessable and taxable for municipal purposes as heretofore, that is to say as they were by law assessable or taxable on the first day of February, 1899.

Banks and certain companies still liable to municipal assessment.

7. Where an insurance company pays the tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from places ~~27~~ or localities other than ~~28~~ the municipality in which the head office is situated; but nothing in this section contained shall prevent the assessment or taxation of *share or stock holders resident in* such last mentioned municipality or of *share or stock holders resident in* other municipalities ~~27~~ by such last named municipalities ~~28~~ as by law *such share or stock holders* were assessable and taxable on the first day of February, 1899. The premiums received by a company are not assessable by a municipality.

Insurance companies—where not liable to municipal assessment.

8. Where a loan company pays a tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from *moneys invested in* municipalities or places *other than* the municipality in which the head office is situated; but nothing in this section contained shall prevent the *individual* assessment or taxation of *share or stock holders resident in* such last mentioned municipality or of *share or stock holders resident in* other municipalities ~~27~~ by such last named municipalities ~~28~~ as by law they were assessable and taxable on the first day of February, 1899.

Loan companies—where not liable to municipal assessment.

9. Where any trust company pays the tax by this Act imposed no assessment shall be made or tax levied upon such

Trust companies—where not liable to municipal assessment.

company by the municipality in which the head office of such company is situated for or in respect of trust monies or securities therefor or income arising therefrom or the personal property held by such company for or on account of persons or beneficiaries who reside within the Province elsewhere than in the aforesaid municipality; but nothing in this section contained shall prevent the assessment or taxation of the last mentioned persons or beneficiaries *resident* in other municipalities ~~as~~ by such other municipalities ~~as~~ as by law they were assessable and taxable on the first day of February, 1899.

Railways to continue liable to assessment under Rev. Stat. c. 224.

10. The assessment and taxation of railway companies shall continue to be made under and in accordance with section 31 of *The Assessment Act*, and railways shall not be liable to municipal assessment or taxation ~~as~~ of the tracks and roadways upon and along any street or highway. ~~as~~

Local improvement taxes not affected.

11. Nothing in this Act contained shall affect or interfere with any special assessment by a municipality upon property benefited by any local improvement for the cost of such local improvement.

When tax to be payable.

12. The said taxes shall in the year 1899 be payable on the first day of November, and thereafter shall be payable on the first day of June in each and every year.

Returns by companies liable to tax.

13. — (1) On or before the first day of July in the year 1899 and thereafter on or before the first day of April in each year every corporation or company on which a tax is by this Act imposed and which is doing business in the Province shall without any notice or demand to that effect from the Government *deliver* in duplicate to the Provincial Treasurer a detailed statement in which shall be set forth the name of the corporation or company, its *business*, the amount of its capital stock, and the amount thereof paid up; ~~as~~ and in addition in the case of a bank the number of offices and agencies thereof in the Province; and in the case of companies under or within clause 13 of section 2 the amount of capital of the company used or invested in sleeping or parlor cars or rolling stock of such classes of cars used in the Province during the preceding year, ~~as~~ and in the case of railways, ~~as~~ the number of miles in use or operation in the Province during the preceding year, and in the case of ~~as~~ street railways or railways operated by electricity and other companies paying a mileage rate the number of miles in operation in any city or cities within the Province ~~as~~ during the preceding year. ~~as~~

Verification of returns.

(2) Such statement and the information required by this section shall be made and furnished by and under the oath of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company ~~as~~ and in the case of extra Provincial companies by the manager or chief agent of the company in Ontario and

the accountant or secretary thereof¹ or by such other person or persons connected with the company or corporation as the Treasurer may require and shall be in accordance with one of the forms in Schedule A hereto.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public. Oaths—who may administer.

14.—(1) Every corporation or company which, and the agent of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer aforesaid to be tried by a judge without a jury. Penalty for not making returns.

~~14~~(2) In any such action the said Treasurer shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.~~14~~

15. The Treasurer may for good cause enlarge the time for making any such return. Enlarging time for making return.

~~14~~ 16.—(1) All premiums payable to any insurance company on or in respect of any policy of renewals thereof shall for the purpose of this Act be deemed to be payable and shall be made payable within the Province by any and every insurance company doing business in the Province, and the taxes aforesaid shall be payable by the company as aforesaid *upon and* in respect of all such premiums whether they are paid or made payable in the Province or elsewhere than in the Province and whether such premiums are earned wholly or partly in Ontario, and wherever the policies are issued to or held by persons who resided at the time of the issue of the policy or who afterwards reside in Ontario, and whether the business in relation to such policies is or was transacted in whole or in part within Ontario or elsewhere.¹

(2) Every insurance company or in the case of extra-provincial insurance companies the chief agent in Ontario of each such company and other person making the affidavit or return shall, in addition to the *other* particulars, state in the return the gross premiums *received* during the preceding year by the company in respect or on account of business ~~14~~done wholly or in part or of policies issued to or held by persons residing¹ in the Province of Ontario ~~14~~whether such premiums were so received by the company within the Province or were received by the company elsewhere in respect of such Ontario business.¹ Additional returns by insurance companies.

Books to be kept by insurance companies.

(3) Every insurance company shall keep a separate book or set of books in which shall be correctly entered from time to time the premiums and all other receipts by the said company in respect of or accruing from business done by the said company *wholly or in part* in the Province of Ontario including the business of the year 1899, and in default thereof, and also in default of compliance with subsection 1 of this section the company shall pay the tax on the total gross premiums and gross income of the company.

Collection of tax.

17. In case of default in payment of any taxes by this Act imposed the same may be ~~levied~~ levied and ~~collected~~ collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Treasurer of the Province ~~directed~~ directed to the sheriff of any county or counties in which the company in arrear may have any goods or chattels and in such case the sheriff shall realize the said taxes or so much thereof as may be in arrear and all costs by sale of such goods or so much thereof as may be necessary to satisfy the said warrant and costs ~~for~~ for the ~~said~~ said taxes ~~may~~ may at the option of the Treasurer be ~~sued~~ sued for and ~~recovered~~ recovered with costs in any court of competent jurisdiction in an action *to be* brought in the name of the Treasurer, and the cause or suit shall be tried by a judge without a jury.

Enforcing payment by injunction against natural gas company.

18. In addition to any other remedies for the recovery of the tax imposed by clause 10 of section 2 of this Act on natural gas companies and companies transmitting or transporting natural gas an injunction or an order in the nature of an injunction at the instance and in the name of the Provincial Treasurer may be obtained to prevent any such company from carrying on its operations at any time after and while it is in default in the payment of the tax due by it and unpaid. ~~18~~

Insolvency—tax to be a preferred claim.

19. In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this bill imposed the amount unpaid of such tax shall be a first lien or a preference claim upon the estate of such corporation or company ~~subject~~ subject to the provisions of any statute of Canada and to the costs and charges of liquidation or insolvency proceedings. ~~19~~

Requisition by treasurer for further information.

20. If the Treasurer in order to enable him to determine whether a statement furnished is correct, desires to obtain further information, he may by registered letter addressed to the president, manager, secretary, or agent of the corporation or company require a further statement to be furnished under oath within *thirty* days.

Commission of enquiry.

21. In case the required information is not furnished or in case the treasurer is not satisfied therewith the Lieutenant-

Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Revised Statute respecting Enquiries concerning Public Matters* and the determination of such commissioner or commissioners, after giving the parties an opportunity to be heard, shall, for the purpose of this Act, be final as to the particulars mentioned in their report, but the Lieutenant-Governor in Council may for cause vary said report; but the amount found by the commissioner or commissioners shall not be increased without giving the company or its agents or solicitor an opportunity of being first heard.

Rev. Stat.
c. 19.

22.—(1) If the inquiry is occasioned by failure to furnish the information required by the Treasurer the company or corporation shall pay the costs of the inquiry, subject to the next succeeding section, but if the statement is found to be correct and the required information was duly furnished the treasurer may direct the costs or such of them as were necessary to be paid by the Province and he may for this purpose settle the same or may direct a taxation thereof.

Costs of com^y
mission.

(2) In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the amount of the entire tax as the same would have been computed under the preceding sections unless the Lieutenant-Governor in Council shall otherwise order.

Additional
tax where
amount under-
stated.

(3) The costs of the commission shall be determined and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of taxes.

Taxation of
costs.

(4) If the Treasurer directs the costs to be taxed the same shall be taxed by either of the Taxing Officers of the High Court.

23. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor-in-Council may, upon the recommendation of the Treasurer, remit so much of the added per centage and so much of the costs as to him in his discretion may seem meet.

When under-
statement of
amount made
in good faith.

"Preceding year," meaning of.

24. "Preceding year" in this Act shall mean the year ending the 31st of December next before the time when the taxes hereby imposed are payable, and the said taxes shall be levied upon the paid up capital stock, mileage or other basis of taxation as the same stood on the said 31st day of December, and the statement hereinbefore required shall give the information specified as of the said date.

Actions to be brought by "the Treasurer of the Province of Ontario."

25. In any action brought by the Treasurer under this Act it shall be sufficient if the action is brought by "the Treasurer of the Province of Ontario" as plaintiff and it shall not be necessary to name the treasurer and the action shall not abate by reason of a change in the person of Treasurer but the action may proceed as though no change had been made.

Penalties to be recovered by Attorney-General.

26. The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province.

Commencement of Act.

27. This Act shall come into force immediately upon the passage thereof.

BILL .

An Act to supplement the Revenues of the
Crown in the Province of Ontario.

First Reading, 1st March, 1899.

*(Reprinted with Proposed Amendments for
Committee of the Whole House)*

Mr. HARCOURT.

TORONTO.

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 165.]

BILL.

[1899.

An Act to supplement the Revenues of *the Crown in*
the Province of Ontario.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Where the following words occur in this Act or in the ^{Interpreta-}
schedule thereto, they shall be construed in the manner here-
inafter mentioned unless a contrary intention appears.

1. "Bank" shall mean and include any corporation or joint "Bank."
stock company *wheresoever* incorporated for the purpose of
doing a banking business ^{whether} whether the head office is situated
in Ontario or elsewhere ^{and} and which transacts a banking busi-
ness in Ontario and shall include a Savings Bank.

2 "Insurance Company" shall include life, fire, ocean marine ^{"Insurance}
inland transit, accident, plate glass, steam boiler and burglary ^{Company."}
insurance companies and every guarantee company, ^{where-}
soever such companies may be incorporated, ^{whether} whether the
head office is situated in Ontario or elsewhere, ^{and} and which
transacts business in Ontario, ^{but} but shall not include mutual
fire ^{companies} companies (unless where any mutual fire insurance com-
pany transacts business on the cash premium system) ^{or}
mutual live stock insurance companies licensed under section
53 of *The Ontario Insurance Act* nor friendly or fraternal ^{Rev. Stat.}
societies lawfully transacting insurance in Ontario under the ^{c. 203.}
said Act.

"Loan Com-
pany."
Rev. Stat.
c. 205.

3. "Loan Company" shall include every loan and every loan-
ing land company within the meaning of *The Loan Corpora-
tions Act* and also every corporation, incorporated company
and association, ⁴²⁷wheresoever such company may be incor-
porated, whether the head office is in Ontario or elsewhere, ⁴²⁸
not being a bank or an insurance company, whose business
or one of whose purposes is to lend money at interest either
to the public or to its own members, ⁴²⁷whether the head
office is in Ontario or elsewhere, ⁴²⁸and which so lends money
and transacts business in Ontario.

"Trust Com-
pany."
Rev. Stat.
c. 206.

4. "Trust Company" shall mean a company, *wheresoever
incorporated*, exercising in Ontario the powers set forth in
the schedule to *The Act Respecting Trust Companies* or any
of them.

"Head
Office."

5. "Head Office," ⁴²⁷in the case of companies whose organiza-
tion and chief executive officers are within the Province, ⁴²⁸
shall mean the place where the chief executive officers of the
corporation transact its business within the Province.

"Head
Office."

6. "Head Office" in the case of companies whose organiza-
tion and chief executive officers are without the Province shall
mean the office within the Province which on the thirty-first
day of December, 1898, was known, ⁴²⁷or may at any time
thereafter be known, ⁴²⁸as the head office of the company
within the Province, and in case no such office is *designated or*
known as the head office then the office in the Province
to which the other offices or agencies in the Province made
returns, and in case there was no such office upon the date
aforesaid then the office which did the largest business in the
Province during the year 1898. In the case of companies or
corporations, *wheresoever incorporated*, which may hereafter
begin business in the Province, the head office shall be the
office which shall be designated by the company, and notice
thereof given to the Provincial Treasurer, and where no such
notice is given the head office shall be that office or place of
business of the company designated as the head office by ⁴²⁷an
order of the Lieutenant-Governor in Council on the report
of ⁴²⁸the Provincial Treasurer.

"Company,"
"joint stock
company,"
"corpora-
tion."

7. The words "company," "joint stock company" and "cor-
poration," shall include every corporation, incorporated com-
pany and association to which this Act refers and which
transacts, or which during the year in respect of which
the tax is payable has transacted business in Ontario
whether incorporated by ⁴²⁷or under any statute or ⁴²⁸Act of a
Parliament or of a Legislature or by Letters Patent or other-
wise howsoever ⁴²⁷within the territories and dominions of the
Crown or within any foreign country ⁴²⁸and *wheresoever*
organized and incorporated and wherever the head office is
situated or *wheresoever* the board of management or executive

officers transact the business of the company, and shall also apply to all *similar* companies, associations or corporations which may be hereafter incorporated *for such purposes as* aforesaid and which shall do or transact business in Ontario; and where any such corporation, company or association shall be placed in the hands or under the control of *assignees*, trustees liquidators or receivers, then to such *assignees*, trustees, liquidators or receivers.

8. The word "company," "joint stock company" and "corporation" shall further include *an individual*, a partnership, syndicate or trust where the class or kind of business to which this Act applies is conducted or carried on *in Ontario* by *such individual*, partnership, syndicate or trust, ~~and~~ whether the head office or chief place of business of such individual, partnership, syndicate or trust is in Ontario or elsewhere. ^{Partnerships, syndicates and trusts.}

9. "Extra Provincial Company" shall mean a company which has the head office of the company elsewhere than in Ontario. ^{"Extra Provincial Company."}

~~and~~ 10. The word "premiums" shall include the first premium payable upon the policy and the annual or other premiums payable thereon thereafter and whether for renewals or otherwise. ^{"Premiums."}

2. In order to supplement the revenues of the *Crown in the Province* every company, ~~and~~ joint stock company, corporation, association, individual, partnership, syndicate, or trust, hereinbefore described, and ~~and~~ being one of any of the classes of companies or corporations, ~~and~~ or being an individual, partnership, syndicate or trust ~~and~~ hereinafter mentioned or referred to and which transacts business in the Province of Ontario under its, *his or their own name or otherwise* or through an agent or agents shall annually pay to the *Crown in this Province*, each and every year, the several taxes by this Act imposed thereon at the times and in the manner hereinafter provided. ^{Taxes to supplement revenues of the Province.}

1. (a) Every bank shall pay a tax of one-tenth of one per cent. on the paid up capital stock where such paid up capital stock does not exceed \$2,000,000, and \$25 for every \$100,000 or fraction thereof of the paid up capital stock in excess of the sum of \$2,000,000, and not exceeding \$6,000,000. ^{Payable by banks.}

(b) Every bank shall pay an additional tax of \$100 for each principal office or place of business in the Province, and \$25 for each additional office, branch or agency in the Province, but no *such* tax shall be levied upon more than one office, branch or agency in any one municipality.

2. (a) Every life insurance company which transacts business in the Province of Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of *two-thirds* of one per cent., calculated on the gross premiums received by such company in respect of the business transacted in the said Province during the preceding year, ~~and~~ but in the case of mutual ^{By insurance companies.}

fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received by such company in cash in respect of the business transacted on a cash basis in the said Province during the preceding year. ¹³

¹⁴(b) Where the receipts from premiums of a life insurance company whose head office is elsewhere than in Ontario are less than \$20,000, and where such company lends money on security and has invested in this Province \$100,000, or more, such company shall pay a tax of one per cent. calculated on the gross premiums and one-fourth of one per cent. on the income from investments received by such company in respect of the business transacted in the Province during the preceding year. ¹⁵

By loan companies.

3. Every loan company which transacts business in the Province of Ontario shall pay a tax as follows :

(a) Companies with fixed or permanent paid up capital, \$65 where the paid up capital is \$100,000 or less, and \$65 on every additional \$100,000, or fraction thereof, of paid up capital.

(b) Companies having only terminating or withdrawable ¹⁶capital where the amount of paid up capital is over \$100,000, the sum of \$65 on every \$100,000 or fraction thereof of paid up capital after the first \$100,000. ¹⁷

By trust companies.

4. Every trust company shall pay a tax of one-third of one per cent. upon the paid up capital stock of the company ¹⁸up to and including \$300,000 and the sum of \$65 on every additional \$100,000 or fraction thereof of paid up capital. ¹⁹

By railway companies.

5. Every railway company operating or running a line or part of a line of railway within the Province shall pay a tax of \$5 per mile for each mile of such railway ²⁰from terminus to terminus ²¹operated or used by the company so operating or using the same, but both the company or companies owning the lines or such part thereof and the company or companies operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer. ²²The word "railway" or the words "railway company" in this section and in section 8 shall not include an electric railway or electric railway company or a tramway or a tramway company. ²³

By street railway and electric railway companies.

6 Every street railway company in any city in the Province and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the Province *for carrying passengers* shall pay a tax of \$20 per mile for each mile of track when the same does not exceed 20 miles in such city, \$35 per mile for each mile of track when the same exceeds 20 miles but does not exceed 30 miles,

\$45 per mile for each mile of track when the same exceeds 30 miles but does not exceed 50 miles, and \$60 for each mile of track when the same exceeds 50 miles. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track.

7. Every telegraph company which owns a line or part of a line of telegraph where the same or part thereof is operated or worked by others or by any other company other than the owners within the Province of Ontario, shall pay a tax of one-tenth of one per cent. on the paid up capital of such company, but where a company owning the line is taxable under the preceding clause, it shall not be taxable for an additional one-tenth of one per cent. under this clause; and every company which operates or works in the Province of Ontario a telegraph line or part of a telegraph line or one or more lines or parts thereof under lease or agreement with the owners of such line or lines or parts thereof shall pay a tax of *one-tenth of one per cent.* upon the paid up capital of such company and both the company or companies owning the lines or parts thereof and the company or companies or persons operating or working the said line or lines or part or parts thereof as aforesaid shall be jointly and severally liable for the payment of the amount of the taxes to Provincial Treasurer.

By telegraph companies whose lines are worked by other companies.

8. Every railway or other company which owns a line or part of a line of telegraph operated in the Province shall pay a tax of one-tenth of one per cent. upon the amount of capital invested in the telegraph line or works.

9. Every telephone company working or operating a telephone line for gain in the Province shall pay a tax of one-sixth of one per cent. upon the paid up capital of such company.

By telephone companies.

10. Every gas company and every electric lighting company in any city in the Province shall pay a tax of one tenth of one per cent. on its paid up capital, but this shall not apply to any gas or electric works owned by a municipality and operated for the purposes of the municipality.

By gas and electric light companies.

11. Every company engaged in producing natural gas in the province or whose officers, servants, contractors, or lessees are so engaged, or any company or person or persons who are producing natural gas under an arrangement or agreement with the said first mentioned company shall pay the sum of \$5,000; and also every company transmitting or transporting natural gas shall pay the sum of \$2,500; and where the company which produces natural gas also transmits or transports the same such company shall pay the sum of \$2,500, in addition to the aforesaid sum of \$5,000.

By natural gas companies.

12. Every express company or company doing *express business* or a general express business in the province shall pay the sum of \$2,000.

By express companies.

By sleeping
car com-
panies.

13. Every company doing business in the province by either leasing or hiring sleeping cars or parlor cars to a railway company or to railway companies, or whose sleeping or parlor cars run upon or are used by a railway company or railway companies within the province shall pay the sum of ~~at~~ one-third of one per cent. upon the capital of the company invested in cars and rolling stock used in Ontario during the preceding year. ~~to~~

Remission or
reduction of
tax on natural
gas com-
pany.

3. The Lieutenant-Governor in Council shall have power to remit or reduce taxation on any natural gas company where it is shown that it is a small domestic company organized and managed for the purpose of lighting and producing heat for mere domestic or local purposes within the county in which the gas is produced ~~at~~ or where it is shewn that the producing power of the gas wells has become greatly lessened by use or time. ~~to~~

Banks and
certain com-
panies still
liable to muni-
cipal assess-
ment.

4. Banks, street or electric railway companies in cities, telegraph companies, telephone companies, ~~at~~ gas companies and electric lighting companies, ~~to~~ natural gas companies, companies transmitting natural gas, express companies, and sleeping or parlor car companies which pay the taxes by this Act imposed thereon, shall continue to be assessable and taxable for municipal purposes as heretofore, that is to say as they were by law assessable or taxable on the first day of February, 1899.

Insurance
companies—
where not
liable to
municipal
assessment.

5. Where an insurance company pays the tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situate upon such company in respect of so much of the income of the company as is derived from places ~~at~~ or localities other than ~~to~~ the municipality in which the head office is situated; but nothing in this section contained shall prevent the assessment or taxation of *share or stock holders resident in* such last mentioned municipality or of *share or stock holders resident in* other municipalities ~~at~~ by such last named municipalities ~~to~~ as by law *such share or stock holders* were assessable and taxable on the first day of February, 1899. The premiums received by a company are not assessable by a municipality.

Loan com-
panies—where
not liable to
municipal
assessment.

6. Where a loan company pays a tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from *moneys invested in* municipalities or places *other than* the municipality in which the head office is situated; but nothing in this section contained shall prevent the *individual* assessment or taxation of *share or stock holders resident in* such last mentioned municipality or of *share or stock holders resident in* other municipalities ~~at~~ by such last named municipalities ~~to~~ as by law they were assessable and taxable on the first day of February, 1899.

7. Where any trust company pays the tax by this Act imposed no assessment shall be made or tax levied upon such company by the municipality in which the head office of such company is situated for or in respect of trust monies or securities therefor or income arising therefrom or the personal property held by such company for or on account of persons or beneficiaries who reside within the Province elsewhere than in the aforesaid municipality; but nothing in this section contained shall prevent the assessment or taxation of the last mentioned persons or beneficiaries *resident* in other municipalities ^{as} by such other municipalities ^{as} as by law they were assessable and taxable on the first day of February, 1899.

Trust companies—where not liable to municipal assessment.

8. The assessment and taxation of railway companies shall continue to be made under and in accordance with section 31 of *The Assessment Act*, and railways shall not be liable to municipal assessment or taxation in respect or by reason of the crossing of streets or highways by the tracks or roadways thereof.

9. Nothing in this Act contained shall affect or interfere with any special assessment by a municipality upon property benefited by any local improvement for the cost of such local improvement.

Local improvement taxes not affected.

10. The said taxes shall in the year 1899 be payable on the first day of November, and thereafter shall be payable on the first day of June in each and every year.

When tax to be payable.

11.—(1) On or before the first day of July in the year 1899 and thereafter on or before the first day of April in each year every corporation or company on which a tax is by this Act imposed and which is doing business in the Province shall without any notice or demand to that effect from the Government *deliver* in duplicate to the Provincial Treasurer a detailed statement in which shall be set forth the name of the corporation or company, its *business*, the amount of its capital stock, and the amount thereof paid up; ^{and} and in addition in the case of a bank the number of offices and agencies thereof in the Province; and in the case of companies under or within clause 13 of section 2 the amount of capital of the company used or invested in sleeping or parlor cars or rolling stock of such classes of cars used in the Province during the preceding year, ^{and} and in the case of railways, street railways or railways operated by electricity and other companies paying a mileage rate the number of miles in operation in any city or cities within the Province.

Returns by companies liable to tax.

(2) Such statement and the information required by this section shall be made and furnished by and under the oath of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company ^{and} and in the case of extra Provincial companies by

Verification of returns.

the manager or chief agent of the company in Ontario and the accountant or secretary thereof ^{or} by such other person or persons connected with the company or corporation as the Treasurer may require and shall be in accordance with one of the forms in Schedule A hereto.

Oaths—who
may adminis-
ter.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public.

Penalty for
not making
returns.

12. Every corporation or company which, and the agent of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer aforesaid to be tried by a judge without a jury.

Enlarging
time for
making
return.

13. The Treasurer may for good cause enlarge the time for making any such return.

14.—(1) All premiums payable to any insurance company on or in respect of any policy of renewals thereof shall for the purpose of this Act be deemed to be payable and shall be made payable within the Province by any and every insurance company doing business in the Province, and the taxes aforesaid shall be payable by the company as aforesaid in respect of all such premiums whether they are paid or made payable in the Province or elsewhere than in the Province and whether such premiums are earned wholly or partly in Ontario, and wherever the policies are issued to or held by persons who resided at the time of the issue of the policy or who afterwards reside in Ontario, and whether the business in relation to such policies is or was transacted in whole or in part within Ontario or elsewhere.

Additional re-
turns by in-
surance com-
panies.

(2) Every insurance company or in the case of extra-provincial insurance companies the chief agent in Ontario of each such company and other person making the affidavit or return shall, in addition to the other particulars, state in the return the gross premiums received during the preceding year by the company in respect or on account of business done wholly or in part or of policies issued to or held by persons residing in the Province of Ontario whether such premiums were so received by the company within the Province or were received by the company elsewhere in respect of such Ontario business.

Books to be
kept by insur-
ance com-
panies.

(3) Every insurance company shall keep a separate book or set of books in which shall be correctly entered from time to time the premiums and all other receipts by the said company

in respect of or accruing from business done by the said company *wholly or in part* in the Province of Ontario including the business of the year 1899, and in default thereof, and also in default of compliance with subsection 1 of this section the company shall pay the tax on the total gross premiums and gross income of the company.

15. In case of default in payment of any taxes by this Act imposed the same may be collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Treasurer of the Province or the same may at the option of the Treasurer be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer, and the cause or suit shall be tried by a judge without a jury.

Collection of tax.

16. In addition to any other remedies for the recovery of the tax imposed by clause 10 of section 2 of this Act on natural gas companies and companies transmitting or transporting natural gas an injunction or an order in the nature of an injunction at the instance and in the name of the Provincial Treasurer may be obtained to prevent any such company from carrying on its operations at any time after and while it is in default in the payment of the tax due by it and unpaid.

17. In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this bill imposed the amount unpaid of such tax shall be a first lien or a preference claim upon the estate of such corporation or company.

Insolvency—tax to be a preferred claim.

18. If the Treasurer in order to enable him to determine whether a statement furnished is correct, desires to obtain further information, he may by registered letter addressed to the president, manager, secretary, or agent of the corporation or company require a further statement to be furnished under oath within seven days.

Requisition by treasurer for further information.

19. In case the required information is not furnished or in case the treasurer is not satisfied therewith the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Revised Statute respecting Enquiries concerning Public Matters* and the determination of such commissioner or commissioners, after giving the parties an opportunity to be heard, shall, for the purpose of this Act, be final as to the particulars mentioned in their report, but the Lieutenant-Governor in Council may for cause vary said report; but the amount found by the commissioner or commissioners shall not be increased without giving the company or its agents or solicitor an opportunity of being first heard.

Commission of enquiry.

Rev. Stat. c. 19.

Costs of commission.

20.—(1) If the inquiry is occasioned by failure to furnish the information required by the Treasurer the company or corporation shall pay the costs of the inquiry, subject to the next succeeding section, but if the statement is found to be correct and the required information was duly furnished the treasurer may direct the costs or such of them as were necessary to be paid by the Province and he may for this purpose settle the same or may direct a taxation thereof.

Additional tax where amount understated.

(2) In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the amount of the entire tax as the same would have been computed under the preceding sections unless the Lieutenant-Governor in Council shall otherwise order.

Taxation of costs.

(3) The costs of the commission shall be determined and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of taxes.

(4) If the Treasurer directs the costs to be taxed the same shall be taxed by either of the Taxing Officers of the High Court.

When understatement of amount made in good faith.

21. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor-in-Council may, upon the recommendation of the Treasurer, remit so much of the added per centage and so much of the costs as to him in his discretion may seem meet.

"Preceding year," meaning of.

22. "Preceding year" in this Act shall mean the year ending the 31st of December next before the time when the taxes hereby imposed are payable, and the said taxes shall be levied upon the paid up capital stock, mileage or other basis of taxation as the same stood on the said 31st day of December, and the statement hereinbefore required shall give the information specified as of the said date.

Actions to be brought by "the Treasurer of the Province of Ontario."

23. In any action brought by the Treasurer under this Act it shall be sufficient if the action is brought by "the Treasurer of the Province of Ontario" as plaintiff and it shall not be

necessary to name the treasurer and the action shall not abate by reason of a change in the person of Treasurer but the action may proceed as though no change had been made.

24. The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province. <sup>Commence-
ment of Act.</sup>

25. This Act shall come into force immediately upon the passage thereof.

BILL

An Act to supplement the Revenues of the
Province of Ontario.

First Reading, 1st March, 1899.

*(Reprinted with amendments to conform
to resolutions.)*

Mr. HARCOURT.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to supplement the Revenues of *the Crown* in
the Province of Ontario.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Where the following words occur in this Act or in the schedule thereto, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears. Interpretation.

1. "Bank" shall mean and include any corporation or joint stock company *wheresoever* incorporated for the purpose of doing a banking business ^{whether} the head office is situated in Ontario or elsewhere ^{and} which transacts a banking business in Ontario and shall include a Savings Bank. "Bank."

2 "Insurance Company" shall include life, fire, ocean marine, inland transit, accident, plate glass, steam boiler and burglary insurance companies and every guarantee company, ^{wheresoever} such companies may be incorporated, ^{whether} the head office is situated in Ontario or elsewhere, ^{and} which transacts business in Ontario, ^{but} shall not include mutual fire ^{companies} (unless where any mutual fire insurance company transacts *insurance on the cash plan*) ^{or} mutual live stock insurance companies licensed under section 53 of *The Ontario Insurance Act* ^{or} registered under sections 55 and 59 of *The Ontario Insurance Act* ^{nor} friendly or fraternal societies lawfully transacting insurance in Ontario under the said Act. "Insurance Company."
Rev. Stat.
c. 203.

"Loan Com-
pany."
Rev. Stat.
c. 205.

3. "Loan Company" shall include every loan and every loan-
ing land company within the meaning of *The Loan Corpora-
tions Act* and also every corporation, incorporated company
and association, ⁴²wheresoever such company may be incor-
porated, whether the head office is in Ontario or elsewhere ⁴³not
being a bank or an insurance company, whose business
or one of whose purposes is to lend money at interest either
to the public or to its own members, ⁴⁴whether the head
office is in Ontario or elsewhere, ⁴⁵and which so lends money
and transacts business in Ontario.

"Trust Com-
pany."
Rev. Stat.
c. 206.

4. "Trust Company" shall mean a company, *wheresoever
incorporated*, exercising in Ontario the powers set forth in
the schedule to *The Act Respecting Trust Companies* or any
of them.

"Head
Office."

5. "Head Office," ⁴²in the case of companies whose organiz-
ation and chief executive officers are within the Province, ⁴³shall
mean the place where the chief executive officers of the
corporation transact its business within the Province.

"Head
Office."

6. "Head Office" in the case of companies whose organiza-
tion and chief executive officers are without the Province shall
mean the office within the Province which on the thirty-first
day of December, 1898, was known, ⁴²or may at any time
thereafter be known, ⁴³as the head office of the company
within the Province, and in case no such office *is designated or*
known as the head office then the office in the Province
to which the other offices or agencies in the Province made
returns, and in case there was no such office upon the date
aforesaid then the office which did the largest business in the
Province during the year 1898. In the case of companies or
corporations, *wheresoever incorporated*, which may hereafter
begin business in the Province, the head office shall be the
office which shall be designated by the company, and notice
thereof given to the Provincial Treasurer, and where no such
notice is given the head office shall be that office or place of
business of the company designated as the head office by ⁴²an
order of the Lieutenant-Governor in Council on the report
of ⁴³the Provincial Treasurer.

"Company,"
"joint stock
company,"
"corpora-
tion."

7. The words "company," "joint stock company" and "cor-
poration," shall include every corporation, incorporated com-
pany and association to which this Act refers and which trans-
acts, or which during the year in respect of which the tax is
payable has transacted business in Ontario whether ⁴²now or
hereafter ⁴³incorporated by ⁴⁴or under any statute or ⁴⁵Act of
a Parliament or of a Legislature or by Letters Patent or other-
wise howsoever ⁴⁶within the territories and dominions of the
Crown or within any foreign country ⁴⁷and *wheresoever*
organized and incorporated and wherever the head office is
situated or *wheresoever* the board of management or executive

officers transact the business of the company, and shall also apply to all *similar* companies, associations or corporations which may be hereafter incorporated *for such purposes* as aforesaid and which shall do or transact business in Ontario; and where any such corporation, company or association shall be placed in the hands or under the control of *assignees*, trustees, liquidators or receivers, then to such *assignees*, trustees, liquidators or receivers.

8. The word "company," "joint stock company" and "corporation" shall further include *an individual*, a partnership, syndicate or trust where the class or kind of business to which this Act applies is conducted or carried on *in Ontario* by *such individual*, partnership, syndicate or trust, ^{whether the} head office or chief place of business of such individual, partnership, syndicate or trust is in Ontario or elsewhere. ^{Partnerships, syndicates and trusts.}

9. "Extra Provincial Company" shall mean a company which has the head office of the company elsewhere than in Ontario. ^{"Extra Provincial Company."}

^{10.} The word "premiums" shall include the first premium payable upon the policy of insurance and the annual or other premiums payable thereon thereafter and whether for renewals or otherwise. ^{"Premiums."}

2. In order to supplement the revenues of the *Crown in the Province* every company, ^{joint stock company, corporation, association, individual, partnership, syndicate, or trust, hereinbefore described, and} being one of any of the classes of companies or corporations, ^{or being an individual, partnership, syndicate or trust} hereinafter mentioned or referred to and which transacts business in the Province of Ontario under its, *his or their own name or otherwise* or through an agent or agents shall annually pay to the *Crown in this Province*, each and every year, the several taxes by this Act imposed thereon at the times and in the manner hereinafter provided. ^{Taxes to supplement revenues of the Province.}

1. (a) Every bank shall pay a tax of one-tenth of one per cent. on the paid up capital stock *thereof when* such paid up capital stock is \$2,000,000 or less, and \$25 for every \$100,000 or fraction thereof of the paid up capital stock in excess of the sum of \$2,000,000, and not exceeding \$6,000,000. ^{Payable by banks.}

(b) Every bank shall pay an additional tax of \$100 for each principal office or place of business in the Province, and \$25 for each additional office, branch or agency in the Province, but no *such* tax shall be levied upon more than one office, branch or agency in any one city, town or village.

2. (a) Every life insurance company which transacts business in the Province of Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of *two-thirds* of one per cent., calculated on the gross premiums received by such company in respect of the business transacted in the said Province during the preceding year, ^{but in the case of mutual} ^{By insurance companies.}

fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received by such company in cash in respect of the business transacted on a cash basis in the said Province during the preceding year. Provided that every insurance company licensed under section 53 of the *Ontario Insurance Act* and assessed under section 181 of the said Act shall be credited with the payment under the said last mentioned section as in reduction of the tax payable under this Act, and no insurance company made liable to taxation by this Act shall require any license, authorization or permit of any municipality for doing business in the municipality or for establishing agencies therein.

~~22~~(b) Where the receipts from premiums of a life insurance company whose head office is elsewhere than in Ontario are less than \$20,000, and where such company lends money on security and has invested in this Province \$100,000, or more, such company shall pay a tax of one per cent. calculated on the gross premiums and one-fourth of one per cent. on the income from investments received by such company in respect of the business transacted in the Province during the preceding year.

~~22~~(c) In the case of re-insurance by an insurance company the principal company shall be exempt from the tax imposed by this Act on the portion of the premium paid to the re-insuring company.

By loan companies.

3. Every loan company which transacts business in the Province of Ontario shall pay a tax as follows :

(a) Companies with fixed or permanent paid up capital, \$65 where the paid up capital is \$100,000 or less, and \$65 on every additional \$100,000, or fraction thereof, of paid up capital.

(b) Companies having only terminating or withdrawable ~~22~~capital where the amount of paid up capital is over \$100,000, the sum of \$65 on every \$100,000 or fraction thereof of paid up capital after the first \$100,000.

~~22~~(c) Where a loan company has its organization and head office in Great Britain or Ireland and employs a part of its paid up capital in Canada, the Lieutenant-Governor in Council may direct that the tax shall be calculated upon the amount of the funds of the company which is used or employed in Canada.

By trust companies.

~~22~~4. Every trust company which transacts business in the Province of Ontario shall pay a tax of \$250 where the paid up capital is \$100,000 or less, and the sum \$65 on every additional \$100,000 or a fraction thereof of paid up capital, and where the gross profits of any trust company are \$25,000 per

annum or over, such company shall pay the further sum of \$500 per annum. The interest received by a trust company from the paid up capital of the company which may be invested shall not for the purpose of this Act be reckoned as gross profits.

5. Every railway company operating or running a line or part of a line of railway within the Province shall pay a tax of \$5 per mile for each mile of such railway ^{from terminus to terminus} operated or used by the company so operating or using the same, but both the company or companies owning the lines or such part thereof and the company or companies operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer. ^{The measurement shall not include switches, spurs, or sidings nor double measurement in case of double track.} The word "railway" or the words "railway company" in this section and in section 8 shall not include an electric railway or electric railway company or a tramway or a tramway company.

By railway companies.

6. Every street railway company in any city in the Province and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the Province *for carrying passengers* shall pay a tax of \$20 per mile for each mile of track ^{in such city} when the ^{whole} line does not exceed 20 miles, \$35 per mile for each mile of track when the ^{whole} line exceeds 20 miles but does not exceed 30 miles, \$45 per mile for each mile of track when the *whole line* exceeds 30 miles but does not exceed 50 miles, and \$60 for each mile of track when the *whole line* exceeds 50 miles. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track: ^{but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted.}

By street railway and electric railway companies.

7. Every telegraph company which owns a line or part of a line of telegraph where the same or part thereof is operated or worked by others or by any other company other than the owners within the Province of Ontario, shall pay a tax of one-tenth of one per cent. on the paid up capital of such company; and every company which operates or works in the Province of Ontario a telegraph line or part of a telegraph line or one or more lines or parts thereof under lease or agreement with the owners of such line or lines or parts thereof shall pay a tax of *one-tenth of one* per cent. upon the paid up capital of such company and both the company or companies owning the lines or parts thereof and the company or companies or persons operating or working the said line or lines or part or parts thereof as aforesaid shall

By telegraph companies whose lines are worked by other companies.

be jointly and severally liable for the payment of the amount of the taxes to *the* Provincial Treasurer.

~~18~~
By railway
companies,
etc., operating
telegraph
lines.

~~18~~ 8. Every railway or other company, other than a telegraph company, which owns or operates a line or lines or part of a line or lines of telegraph operated in the Province shall pay a tax of one-tenth of one per cent. upon the total amount of capital invested in the whole telegraph line or lines or works. ~~18~~

~~18~~ 8(a) Nevertheless the Lieutenant-Governor in Council shall have power to remit the tax upon the capital invested in so much of the line or lines of telegraph or of a telegraph company as is used exclusively for the purpose of running trains or other purposes of the railway and not for commercial purposes. ~~18~~

By telephone
companies.

9. Every telephone company working or operating a telephone line for gain in the Province shall pay a tax of one-eighth of one per cent. upon the paid up capital of such company.

~~18~~
By gas and
electric light
companies.

~~18~~ 10. ~~18~~ Every gas company and every electric lighting company in any city in the Province shall pay a tax of one-tenth of one per cent. on its paid up capital, but this shall not apply to any gas or electric works owned *and operated* by a municipality. ~~18~~

By natural
gas com-
panies.

11. Every company engaged in producing natural gas in the province or whose officers, servants, contractors, or lessees are so engaged, or any company or person or persons who are producing natural gas under an arrangement or agreement with the said first mentioned company shall pay the sum of \$1,500; and every *other* company transmitting or transporting natural gas shall *also* pay the sum of ~~18~~ \$1,500; and each of the said companies, whether a producing or transmitting or transporting company, or both a producing and transmitting or transporting company, and every such person who is producing natural gas as aforesaid shall in addition pay a sum equal to one per cent., calculated upon the gross *receipts* of the said company or person during the preceding year. ~~18~~

By express
companies.

~~18~~ 12. Express companies operating over 400 miles of railway or a fraction thereof in the Province, shall pay a tax of \$800, and shall pay an additional tax of \$125 for every additional 400 miles, or fraction thereof. ~~18~~

By sleeping
car com-
panies.

13. Every company doing business in the province by either leasing or hiring sleeping cars or parlor cars to a railway company or to railway companies, or whose sleeping or parlor cars run upon or are used by a railway company or railway companies within the province shall pay the sum of ~~18~~ one-third of one per cent. upon the capital of the company invested in *such* cars and rolling stock *in use in* Ontario during the preceding year. ~~18~~

Remission or
reduction of
tax on natural

3. The Lieutenant-Governor in Council shall have power to

remit or reduce taxation on any natural gas company where it is shown that it is a small domestic company organized and managed for the purpose of lighting and producing heat for mere domestic or local purposes within the county in which the gas is produced <sup>gas com-
pany.</sup> or where it is shewn that the producing power of the gas wells has become greatly lessened by use or time, or may reduce the amount of the foregoing taxes upon a company having paid up capital stock of less than \$5,000.

4. Where natural gas companies or natural gas transmitting companies produce or transmit gas for export, the price or charge at which the same shall be supplied to municipalities, companies and persons shall be subject to regulation by the Lieutenant-Governor in Council. <sup>Regulation of
charges of
natural gas
companies by
Lieutenant-
Governor in
Council.</sup>

5. It shall be lawful for the Lieutenant-Governor in Council, when the head office or principal place of business of any bank is in any Province of the Dominion other than Ontario, and it employs within this Province only a part of its paid up capital, and has not more than five agencies or branch offices within the Province, to reduce the amount of the tax, regard being had to the amount of the capital or other monies of such bank at any time in use in this Province; but the tax exacted shall not in any such case be less than one-tenth of one per cent. upon one-half of the paid up capital of such bank. <sup>Lieutenant-
Governor may
reduce tax on
banks having
head office out
of Ontario</sup>

6. Banks, street or electric railway companies in cities, telegraph companies, telephone companies, gas companies and electric lighting companies, <sup>Banks and
certain com-
panies, still
liable to muni-
cipal assess-
ment.</sup> natural gas companies, companies transmitting natural gas, express companies, and sleeping or parlor car companies which pay the taxes by this Act imposed thereon, shall continue to be assessable and taxable for municipal purposes as heretofore, that is to say as they were by law assessable or taxable on the first day of February, 1899.

7. Where an insurance company pays the tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from places <sup>Insurance
companies—
where not
liable to
municipal
assessment.</sup> or localities other than the municipality in which the head office is situated; but nothing in this section contained shall prevent the assessment or taxation of *share or stock holders resident in* such last mentioned municipality or of *share or stock holders resident in* other municipalities ^{by such last named municipalities} as by law *such share or stock holders* were assessable and taxable on the first day of February, 1899. The premiums received by a company are not assessable by a municipality.

8. Where a loan company pays a tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such <sup>Loan com-
panies—where
not liable to
municipal
assessment.</sup>

company in respect of so much of the income of the company as is derived from *moneys invested in municipalities or places other than the municipality in which the head office is situated*; but nothing in this section contained shall prevent the *individual* assessment or taxation of *share or stock holders resident in such last mentioned municipality or of share or stock holders resident in other municipalities* ⁴²⁷ by such last named municipalities ⁴²⁸ as by law they were assessable and taxable on the first day of February, 1899.

Trust companies—where not liable to municipal assessment.

9. Where any trust company pays the tax by this Act imposed no assessment shall be made or tax levied upon such company by the municipality in which the head office of such company is situated for or in respect of trust monies or securities therefor or income arising therefrom or the personal property held by such company for or on account of persons or beneficiaries who reside within the Province elsewhere than in the aforesaid municipality; but nothing in this section contained shall prevent the assessment or taxation of the last mentioned persons or beneficiaries *resident in other municipalities* ⁴²⁷ by such other municipalities ⁴²⁸ as by law they were assessable and taxable on the first day of February, 1899.

⁴²⁷9. (a) Where any insurance company, loan company, or trust company which is liable to pay the tax imposed by this Act, has been assessed by the municipality in which the head office of the company is situated in the year 1898 for the year 1899 in respect of income or personal property such company shall not be liable to be assessed and shall not be compelled to pay a greater rate or tax in respect of such assessment than could have been imposed under and in accordance with the provisions of the three next preceding sections, and for the purpose of ascertaining what the proper assessment should be under the said sections an appeal may be had to the county judge within sixty days from the passing hereof in the manner provided in the case of appeals from the Court of Revision notwithstanding that the roll may have been finally revised and the assessment roll shall be corrected according to the decision of the judge. An appeal shall lie to the Court of appeal from the decision of the judge of the County Court under this section. ⁴²⁸

Railways to continue liable to assessment under Rev. Stat. c. 224.

10. The assessment and taxation of railway companies shall continue to be made under and in accordance with section 31 of *The Assessment Act*, and railways shall not be liable to municipal assessment or taxation ⁴²⁷ of the tracks and roadways upon or along any street or highway. ⁴²⁸

Local improvement taxes not affected.

11. Nothing in this Act contained shall affect or interfere with any special assessment by a municipality upon property benefited by any local improvement for the cost of such local improvement.

12. The said taxes shall in the year 1899 be payable on the first day of November, and thereafter shall be payable on the first day of June in each and every year. When tax to be payable.

13. — (1) On or before the first day of July in the year 1899 and thereafter on or before the first day of April in each year every corporation or company on which a tax is by this Act imposed and which is doing business in the Province shall without any notice or demand to that effect from the Government *deliver* in duplicate to the Provincial Treasurer a detailed statement in which shall be set forth the name of the corporation or company, its *business*, the amount of its capital stock, and the amount thereof paid up; ~~and~~ and in addition in the case of a bank the number of offices and agencies thereof in the Province; and in the case of companies under or within clause 13 of section 2 the amount of capital of the company used or invested in sleeping or parlor cars or rolling stock of such classes of cars used in the Province during the preceding year, ~~and~~ and in the case of railways, ~~and~~ the number of miles in use or operation in the Province during the preceding year, and in the case of ~~street~~ street railways or railways operated by electricity and other companies paying a mileage rate the number of miles in operation in any city or cities within the Province ~~during~~ during the preceding year. ~~and~~

(2) Such statement and the information required by this section shall be made and furnished by and under the oath of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company ~~and~~ and in the case of extra Provincial companies by the manager or chief agent of the company in Ontario and the accountant or secretary thereof ~~or~~ or by such other person or persons connected with the company or corporation as the Treasurer may require and shall be in accordance with one of the forms in Schedule A hereto ~~or~~ or upon such other forms as may be from time to time provided by the Lieutenant-Governor in Council. ~~and~~ Verification of returns.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public. Oaths—who may administer.

14. — (1) Every corporation or company which, and the *manager or agent in the Province* of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer aforesaid to be tried by a judge without a jury. Penalty for not making returns.

~~14~~(2) In any such action the said Treasurer shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

Enlarging
time for
making
return.

15. The Treasurer may for good cause enlarge the time for making any such return.

Premiums to
be deemed
payable in
Province.

~~14~~ 16.—(1) All premiums payable to any insurance company on or in respect of any policy of renewals thereof shall for the purpose of this Act be deemed to be payable and shall be made payable within the Province by any and every insurance company doing business in the Province, and the taxes aforesaid shall be payable by the company as aforesaid *upon and* in respect of all such premiums whether they are paid or made payable in the Province or elsewhere than in the Province and whether such premiums are earned wholly or partly in Ontario, and wherever the policies are issued to or held by persons who resided at the time of the issue of the policy or who afterwards reside in Ontario, and whether the business in relation to such policies is or was transacted in whole or in part within Ontario or elsewhere.

Additional re-
turns by in-
surance com-
panies.

(2) Every insurance company or in the case of extra-provincial insurance companies the chief agent in Ontario of each such company and other person making the affidavit or return shall, in addition to the *other* particulars, state in the return the gross premiums *received* during the preceding year by the company in respect or on account of business ~~14~~ done wholly or in part or of policies issued to or held by persons residing ~~14~~ in the Province of Ontario ~~14~~ whether such premiums were so received by the company within the Province or were received by the company elsewhere in respect of such Ontario business.

Books to be
kept by insur-
ance com-
panies.

(3) Every insurance company shall keep a separate book or set of books in which shall be correctly entered from time to time the premiums and all other receipts by the said company in respect of or accruing from business done by the said company *wholly or in part* in the Province of Ontario including the business of the year 1899, and in default thereof, and also in default of compliance with subsection 1 of this section the company shall pay the tax on the total gross premiums and gross income of the company.

Collection of
tax.

17. In case of default in payment of any taxes by this Act imposed the same may be ~~14~~ levied and ~~14~~ collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Treasurer of the Province ~~14~~ directed to the sheriff of any county or counties in which the company in arrear may have any goods or chattels and in such case the sheriff shall realize the

said taxes or so much thereof as may be in arrear and all costs by sale of such goods or so much thereof as may be necessary to satisfy the said warrant and costs ^{or the said} taxes ^{may} at the option of the Treasurer be ^{sued for} and ^{recovered} with costs in any court of competent jurisdiction in an action to be brought in the name of the Treasurer, and the cause or suit shall be tried by a judge without a jury.

18. In addition to any other remedies for the recovery of the tax imposed by clause 10 of section 2 of this Act on natural gas companies and companies transmitting or transporting natural gas an injunction or an order in the nature of an injunction at the instance and in the name of the Provincial Treasurer may be obtained to prevent any such company from carrying on its operations at any time after and while it is in default in the payment of the tax due by it and unpaid. ^{Enforcing payment by injunction against natural gas company.}

19. In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this bill imposed the amount unpaid of such tax shall be a first lien or a preference claim upon the estate of such corporation or company ^{subject to the provisions of any statute of Canada and to the costs and charges of liquidation or insolvency proceedings.} ^{Insolvency—tax to be a preferred claim.}

20. If the Treasurer in order to enable him to determine whether a statement furnished is correct, desires to obtain further information, he may by registered letter addressed to the president, manager, secretary, or agent of the corporation or company require a further statement to be furnished under oath within *thirty* days. ^{Requisition by treasurer for further information.}

21. In case the required information is not furnished or in case the treasurer is not satisfied therewith the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Revised Statute respecting Enquiries concerning Public Matters* and the determination of such commissioner or commissioners, after giving the parties an opportunity to be heard, shall, for the purpose of this Act, be final as to the particulars mentioned in their report, but the Lieutenant-Governor in Council may for cause vary said report; but the amount found by the commissioner or commissioners shall not be increased without giving the company or its agents or solicitor an opportunity of being first heard. ^{Commission of enquiry.} ^{Rev. Stat. c. 19.}

22.—(1) If the inquiry is occasioned by failure to furnish the information required by the Treasurer the company or corporation shall pay the costs of the inquiry, subject to the next succeeding section, but if the statement is ^{Costs of commission.}

found to be correct and the required information was duly furnished the treasurer may direct the costs or such of them as were necessary to be paid by the Province and he may for this purpose settle the same or may direct a taxation thereof.

Additional
tax where
amount under-
stated.

(2) In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the amount of the entire tax as the same would have been computed under the preceding sections unless the Lieutenant-Governor in Council shall otherwise order.

Taxation of
costs.

(3) The costs of the commission shall be determined and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of taxes.

(4) If the Treasurer directs the costs to be taxed the same shall be taxed by either of the Taxing Officers of the High Court.

When under-
statement of
amount made
in good faith.

23. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor-in-Council may, upon the recommendation of the Treasurer, remit so much of the added per centage and so much of the costs as to him in his discretion may seem meet.

"Preceding
year," mean-
ing of.

24. "Preceding year" in this Act shall mean the year ending the 31st of December next before the time when the taxes hereby imposed are payable, and the said taxes shall be levied upon the paid up capital stock, mileage or other basis of taxation as the same stood on the said 31st day of December, and the statement hereinbefore required shall give the information specified as of the said date.

Actions to be
brought by
"the Treas-
urer of the
Province of
Ontario."

25. In any action brought by the Treasurer under this Act it shall be sufficient if the action is brought by "the Treasurer of the Province of Ontario" as plaintiff and it shall not be necessary to name the treasurer and the action shall not abate by reason of a change in the person of Treasurer but the action may proceed as though no change had been made.

26. The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province. Penalties to be recovered by Attorney-General.

27. This Act shall come into force immediately upon the passage thereof. Commencement of Act.

SCHEDULE A.

FORM OF STATEMENT TO BE FURNISHED BY BANKS UNDER SECTION 13.

We of in the County of and of
in the County of , each for ourselves make oath and say as follows :

(1) That I, the said , am the President (or, as the case may be *a*) and that I, the said , am the Manager of the Bank of (as the case may be *a*).

(2) That the head office of the said Bank is situated at . (See clauses 5 and 6 of section 2).

(3) That we have personal knowledge of the affairs of the said Bank.

(4) That the amount of the capital stock of the said Bank is \$.

(5) That the amount of the paid-up capital stock of the said Bank is \$.

(6) That the said Bank has its principal office or place of business in the Province of Ontario at the of , and the said Bank has in addition thereto offices, branches or agencies in the following places, that is to say :

(NOTE.—In cases coming within section 5 the following to be added :)

(7) The amount of the paid up capital of the said bank which was employed in Ontario during the year was the sum of \$.

Sworn before me at the
 of in the }
County of this }
day of , 18 }

FORM OF STATEMENT TO BE FURNISHED BY INSURANCE COMPANIES UNDER SECTION 13.

We, , of , in the County of and of
in the County of , each for ourselves make oath and say as follows :

(1) That I, the said , am the President (or, as the case may be *a*) and I, the said , am the Manager (as the case may be *a*) of the Company (state the name in full of the company).

(2) That the head office of the said company is situated at . (See clauses 5 and 6 of section 2).

(3) That the business of the said company is that of fire insurance (or, as the case may be)

(*a*) NOTE.—In the case of extra Provincial companies the affidavit is to be made by the manager or chief agent of the company in Ontario and the accountant or secretary thereof, or by such other person or persons connected with the company or corporation as the Provincial Treasurer may require.

- (4) That we have personal knowledge of the affairs of the said company.
 (5) That the amount of the capital stock of the said company is \$.
 (6) That the amount of the paid-up capital stock of the said company is \$.
 (7) That the amount of the gross premiums received during the year by the said company in respect of or on account of business done wholly or in part or of policies issued to or held by persons residing in the Province of Ontario was the sum of \$.

NOTE.—*In the case of a company coming within clause 2 (b) of section 2 the following to be added :*

- (8) The said company lends money on security and has invested in the Province of Ontario the sum of \$. the income derived from which was during the year the sum of \$.

Sworn before me at
 of in the
 County of this
 day of , A.D. 18 . }

FORM OF STATEMENT TO BE FURNISHED BY LOAN COMPANIES.

We, , of , in the County of , and
 of to the County , each for ourselves
 make oath and say as follows :

- (1) That I, the said , (or, as the case may be (a)) and I, the said , am the manager (or as the case may be (a)) of the company (state name of company in full).

- (2) That the head office of the said company is at . See) clauses 5 and 6 of section 2).

- (3) That the business of the said company is that of a loan company.

- (4) That the amount of the capital stock of the said company is \$.

- (5) That the amount of the paid-up capital stock is \$.

NOTE.—*In the case of a loan company having its organization or head office in Great Britain or Ireland the following to be added :*

- (6) That the amount of the funds of the said company which was in use or employed in Canada during the year was the sum of \$.

(a) NOTE.—*In the case of extra Provincial companies the affidavit is to be made by the manager or chief agent of the company in Ontario and the accountant or secretary thereof or by such other person or persons connected with the company or corporation as the Provincial Treasurer may require.*

BILL

An Act to supplement the Revenues of the
Crown in the Province of Ontario.

First Reading, 1st March, 1899.

*(Reprinted as amended in Committee of the
Whole House.)*

Mr. HARCOURT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 165.]

BILL.

[1899.

An Act to supplement the Revenues of the Crown in the Province of Ontario.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where the following words occur in this Act or in the schedule thereto, they shall be construed in the manner hereinafter mentioned unless a contrary intention appears. Interpretation.

1. "Bank" shall mean and include any corporation or joint stock company wheresoever incorporated for the purpose of doing a banking business whether the head office is situated in Ontario or elsewhere and which transacts a banking business in Ontario and shall include a Savings Bank. "Bank."

2 "Insurance Company" shall include life, fire, ocean marine, inland transit, accident, plate glass, steam boiler and burglary insurance companies and every guarantee company, wheresoever such companies may be incorporated, whether the head office is situated in Ontario or elsewhere, and which transacts business in Ontario, but shall not include mutual fire companies (unless where any mutual fire insurance company transacts insurance on the cash plan) or mutual live stock insurance companies licensed under section 53 of *The Ontario Insurance Act* or registered under sections 55 and 59 of *The Ontario Insurance Act* nor friendly or fraternal societies lawfully transacting insurance in Ontario under the said Act. "Insurance Company."
Rev. Stat.
c. 203.

"Loan Com-
pany."
Rev. Stat.
c. 205.

3. "Loan Company" shall include every loan and every loan-
ing land company within the meaning of *The Loan Corpora-
tions Act* and also every corporation, incorporated company
and association, wheresoever incorporated, not being a bank
or an insurance company, whose business or one of whose
purposes is to lend money at interest either to the public or
to its own members, whether the head office is in Ontario
or elsewhere, and which so lends money and transacts busi-
ness in Ontario.

"Trust Com-
pany."
Rev. Stat.
c. 206.

4. "Trust Company" shall mean a company, wheresoever
incorporated, exercising in Ontario the powers set forth in
the schedule to *The Act Respecting Trust Companies* or any
of them.

"Head
Office."

5. "Head Office," in the case of companies whose organiza-
tion and chief executive officers are within the Province,
shall mean the place where the chief executive officers of the
corporation transact its business within the Province.

"Head
Office."

6. "Head Office" in the case of companies whose organiza-
tion and chief executive officers are without the Province shall
mean the office within the Province which on the thirty first
day of December, 1898, was known, or may at any time
thereafter be known, as the head office of the company
within the Province, and in case no such office is designated or
known as the head office then the office in the Province
to which the other offices or agencies in the Province made
returns, and in case there was no such office upon the date
aforesaid then the office which did the largest business in the
Province during the year 1898. In the case of companies or
corporations, wheresoever incorporated, which may hereafter
begin business in the Province, the head office shall be the
office which shall be designated by the company, and notice
thereof given to the Provincial Treasurer, and where no such
notice is given the head office shall be that office or place of
business of the company designated as the head office by an
order of the Lieutenant Governor in Council on the report
of the Provincial Treasurer.

"Company,"
"joint stock
company,"
"corpora-
tion."

7. The words "company," "joint stock company" and "cor-
poration," shall include every corporation, incorporated com-
pany and association to which this Act refers and which trans-
acts, or which during the year in respect of which the tax is
payable has transacted business in Ontario whether now or
hereafter incorporated by or under any statute or Act of
a Parliament or of a Legislature or by Letters Patent or other-
wise howsoever within the territories and dominions of the
Crown or within any foreign country and wheresoever
organized and incorporated and wherever the head office is
situated or wheresoever the board of management or executive
officers transact the business of the company, and shall also

apply to all similar companies, associations or corporations which may be hereafter incorporated for such purposes as aforesaid and which shall do or transact business in Ontario; and where any such corporation, company or association shall be placed in the hands or under the control of *agents*, assignees, trustees, liquidators or receivers, or *other officers* then to such *agents*, assignees, trustees, liquidators or receivers, or *other officers*.

8. The word "company," "joint stock company" and "corporation" shall further include an individual, a partnership, syndicate or trust where the class or kind of business to which this Act applies is conducted or carried on in Ontario by such individual, partnership, syndicate or trust, whether the head office or chief place of business of such individual, partnership, syndicate or trust is in Ontario or elsewhere, ^{Partnerships, syndicates and trusts.} but the word individual in this clause shall not apply to a private banker or to an individual merely because of his loaning money.

9. "Extra Provincial Company" shall mean a company which has the head office of the company elsewhere than in Ontario. ^{"Extra Provincial Company."}

10. The word "premiums" shall include the first premium payable upon the policy of insurance and the annual or other premiums payable thereon thereafter and whether for renewals or otherwise. ^{"Premiums."}

2. In order to supplement the revenues of the Crown in the Province every company, joint stock company, corporation, association, individual, partnership, syndicate, or trust, hereinbefore described, and being one of any of the classes of companies or corporations, or being an individual, partnership, syndicate or trust hereinafter mentioned or referred to and which transacts business in the Province of Ontario under its, his or their own name or otherwise or through an agent or agents shall annually pay to the Crown in this Province, each and every year, the several taxes by this Act imposed thereon at the times and in the manner hereinafter provided. ^{Taxes to supplement revenues of the Province.}

1. (a) Every bank shall pay a tax of one-tenth of one per cent. on the paid up capital stock thereof when such paid up capital stock is \$2,000,000 or less, and \$25 for every \$100,000 or fraction thereof of the paid up capital stock in excess of the sum of \$2,000,000, and not exceeding \$6,000,000. ^{Payable by banks.}

(b) Every bank shall pay an additional tax of \$100 for each principal office or place of business in the Province, and \$25 for each additional office, branch or agency in the Province, but no such tax shall be levied upon more than one office, branch or agency in any one city, town or village.

2. (a) Every life insurance company which transacts business in the Province of Ontario shall pay a tax of one per cent., and every other insurance company shall pay a tax of two-thirds of ^{By insurance companies.}

one per cent., calculated on the gross premiums received by such company in respect of the business transacted in the said Province during the preceding year, but in the case of mutual fire insurance companies which receive premiums in cash the tax shall be calculated on the gross premiums received by such company in cash in respect of the *insurance* transacted on the cash plan in the said Province during the preceding year. Provided that every insurance company licensed under section 53 of the *Ontario Insurance Act* and assessed under section 181 of the said Act shall be credited with the payment under the said last mentioned section as in reduction of the tax payable under this Act, and no insurance company made liable to taxation by this Act shall require any license, authorization or permit of any municipality for doing business in the municipality or for establishing agencies therein.

(b) Where the receipts from premiums of a life insurance company whose head office is elsewhere than in Ontario are less than \$20,000, and where such company lends money on security and has invested in this Province \$100,000, or more, such company shall pay a tax of one per cent. calculated on the gross premiums and one-fourth of one per cent. on the income from investments received by such company in respect of the business transacted in the Province during the preceding year.

(c) In the case of re-insurance by an insurance company the principal company shall be exempt from the tax imposed by this Act on the portion of the premium paid to the re-insuring company.

By loan companies.

3. Every loan company which transacts business in the Province of Ontario shall pay a tax as follows :

(a) Companies with fixed or permanent paid up capital, \$65 where the paid up capital is \$100,000 or less, and \$65 on every additional \$100,000, or fraction thereof, of paid up capital.

(b) Companies having only terminating or withdrawable capital where the amount of paid up capital is over \$100,000, the sum of \$65 on every \$100,000 or fraction thereof of paid up capital after the first \$100,000.

(c) Where a loan company has its organization and head office in Great Britain or Ireland and employs a part of its paid up capital in Canada, the Lieutenant-Governor in Council may direct that the tax shall be calculated upon the amount of the funds of the company which are used or employed in Canada. ~~But~~ But the company receiving the premium for re-insurance shall be liable for the tax in respect thereof as part of its gross premiums. Where the re-insuring company does not conduct

business in Ontario or has no principal or head office therein, the principal company shall retain in its hands so much of the said premium as will be equivalent to the tax by this Act imposed on or in respect of such premium, and shall be liable for the tax and for the payment thereof to the Treasurer of the Province.

4. Every trust company which transacts business in the Province of Ontario shall pay a tax of \$250 where the paid up capital is \$100,000 or less, and the sum of \$65 on every additional \$100,000 or a fraction thereof of paid up capital, and where the gross profits of any trust company are \$25,000 per annum or over, such company shall pay the further sum of \$500 per annum. The interest received by a trust company from the paid up capital of the company which may be invested shall not for the purpose of this Act be reckoned as gross profits.

By trust companies.

5. Every railway company operating or running a line or part of a line of railway within the Province shall pay a tax of \$5 per mile for each mile of such railway from terminus to terminus operated or used by the company so operating or using the same, but both the company or companies owning the lines or such part thereof and the company or companies operating or working the said line or part or parts of a line as aforesaid shall be jointly and severally liable for the payment of the amount of such tax to the Provincial Treasurer. The measurement shall not include switches, spurs, or sidings nor double measurement in case of double track. The word "railway" or the words "railway company" in this section and in section 8 shall not include an electric railway or electric railway company or a tramway or a tramway company.

By railway companies.

6. Every street railway company in any city in the Province and every company working or operating a railway or part thereof entirely or partly by electricity in any city in the Province for carrying passengers shall pay a tax of \$20 per mile for each mile of track in such city when the whole line does not exceed 20 miles, \$35 per mile for each mile of track when the whole line exceeds 20 miles but does not exceed 30 miles, \$45 per mile for each mile of track when the whole line exceeds 30 miles but does not exceed 50 miles, and \$60 for each mile of track when the whole line exceeds 50 miles. In all cases the mileage shall be computed on the single track, each mile of double track being counted as two miles of single track: but in calculating the mileage mere switches or sidings, tracks into car stables or car sheds, Y's and curves laid at street corners and portions of track not in general use for passenger traffic shall not be counted.

By street railway and electric railway companies.

By telegraph
companies
whose lines
are worked by
other com-
panies.

7. Every telegraph company which owns a line or part of a line of telegraph where the same or part thereof is operated or worked by others or by any other company other than the owners within the Province of Ontario, shall pay a tax of one-tenth of one per cent. on the paid up capital of such company; and every company which operates or works in the Province of Ontario a telegraph line or part of a telegraph line or one or more lines or parts thereof under lease or agreement with the owners of such line or lines or parts thereof shall pay a tax of one-tenth of one per cent. upon the paid up capital of such company and both the company or companies owning the lines or parts thereof and the company or companies or persons operating or working the said line or lines or part or parts thereof as aforesaid shall be jointly and severally liable for the payment of the amount of the taxes to the Provincial Treasurer.

By railway
companies,
etc., operating
telegraph
lines

8. Every railway or other company, other than a telegraph company, which owns or operates a line or lines or part of a line or lines of telegraph operated in the Province shall pay a tax of one-tenth of one per cent. upon the total amount of capital invested in the whole telegraph line or lines or works.

(a) Nevertheless the Lieutenant-Governor in Council shall have power to remit the tax upon the capital invested in so much of the line or lines of telegraph or of a telegraph company as is used exclusively for the purpose of running trains or other purposes of the railway and not for commercial purposes and upon so much of the capital as shall be invested in such portions of any line or lines beyond the limits of Ontario.

By telephone
companies

9. Every telephone company working or operating a telephone line for gain in the Province shall pay a tax of one-eighth of one per cent. upon the paid up capital of such company.

By gas and
electric light
companies.

10. Every gas company and every electric lighting company in any city in the Province shall pay a tax of one-tenth of one per cent. on its paid up capital, but this shall not apply to any gas or electric works owned and operated by a municipality.

By natural
gas com-
panies.

11. Every company engaged in producing natural gas in the province or whose officers, servants, contractors, or lessees are so engaged or any company or person or persons who are producing natural gas under an arrangement or agreement with the said first mentioned company shall pay the sum of \$1,500; and every other company transmitting or transporting natural gas shall also pay the sum of \$1,500; and each of the said companies, whether a producing or transmitting or transporting company, or both a producing and transmitting or transporting company, and every such person who is producing natural gas as aforesaid shall in addition pay a sum equal to

one per cent., calculated upon the gross receipts of the said company or person during the preceding year.

12. Express-companies operating over 400 miles of railway or a fraction thereof in the Province, shall pay a tax of \$500, and shall pay an additional tax of \$125 for every additional 400 miles, or fraction thereof. By express companies.

13. Every company doing business in the Province by either leasing or hiring sleeping cars or parlor cars to a railway company or to railway companies, or whose sleeping or parlor cars run upon or are used by a railway company or railway companies within the Province shall pay the sum of one-third of one per cent. upon the capital of the company invested in such cars and rolling stock in use in Ontario during the preceding year. By sleeping car companies.

3. The Lieutenant-Governor in Council shall have power to remit or reduce taxation on any natural gas company where it is shown that it is a small domestic company organized and managed for the purpose of lighting and producing heat for mere domestic or local purposes within the county in which the gas is produced or where it is shown that the producing power of the gas wells has become greatly lessened by use or time, or may reduce the amount of the foregoing taxes upon a company having paid up capital stock of less than \$5,000. Remission or reduction of tax on natural gas company.

4. Where natural gas companies or natural gas transmitting companies produce or transmit gas for export the price or charge at which the same shall be supplied to municipalities, companies and persons shall be subject to regulation by the Lieutenant-Governor in Council. Regulation of charges of natural gas companies by Lieutenant-Governor in Council.

5. It shall be lawful for the Lieutenant-Governor in Council when the head office or principal place of business of any bank is in any Province of the Dominion other than Ontario and it employs within this Province only a part of its paid up capital and has not more than five agencies or branch offices within the Province, to reduce the amount of the tax regard being had to the amount of the capital or other monies of such bank at any time in use in this Province: but the tax exacted shall not in any such case be less than one-tenth of one per cent. upon one-half of the paid up capital of such bank. Lieutenant-Governor may reduce tax on banks having head office out of Ontario.

6. Banks, street or electric railway companies in cities, telegraph companies, telephone companies, gas companies and electric lighting companies, natural gas companies, companies transmitting natural gas, express companies, and sleeping or parlor car companies which pay the taxes by this Act imposed thereon, shall continue to be assessable and taxable for municipal purposes as heretofore that is to say as they were by law assessable or taxable on the first day of February, 1899. Banks and certain companies still liable to municipal assessment.

Insurance companies—where not liable to municipal assessment.

7. Where an insurance company pays the tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situate upon such company in respect of so much of the income of the company as is derived from places or localities other than the municipality in which the head office is situated; but nothing in this section contained shall prevent the assessment or taxation of share or stock holders resident in such last mentioned municipality or of share or stock holders resident in other municipalities by such last named municipalities as by law such share or stock holders were assessable and taxable on the first day of February, 1899. The premiums received by a company are not assessable by a municipality.

Loan companies—where not liable to municipal assessment.

8. Where a loan company pays a tax by this Act imposed, no assessment shall be made or tax levied by or on behalf of the municipality in which the head office is situated upon such company in respect of so much of the income of the company as is derived from moneys invested in municipalities or places other than the municipality in which the head office is situated; but nothing in this section contained shall prevent the individual assessment or taxation of share or stock holders resident in such last mentioned municipality or of share or stock holders resident in other municipalities by such last named municipalities as by law they were assessable and taxable on the first day of February, 1899.

Trust companies—where not liable to municipal assessment.

9.—(1) Where any trust company pays the tax by this Act imposed no assessment shall be made or tax levied upon such company by the municipality in which the head office of such company is situated for or in respect of trust monies or securities therefor or income arising therefrom or the personal property held by such company for or on account of persons or beneficiaries who reside within the Province elsewhere than in the aforesaid municipality; but nothing in this section contained shall prevent the assessment or taxation of the last mentioned persons or beneficiaries resident in other municipalities by such other municipalities as by law they were assessable and taxable on the first day of February, 1899.

(2) Companies whose assessment is affected by sections 7, 8 and 9 of this Act shall keep their books of account in such manner as will show and as will enable the Assessor to determine at what sum such Company is assessable in the municipality in which the head office in the Province thereof is situated.

Assessment of insurance companies, etc., for 1899.

10. Where any insurance company, loan company, or trust company which is liable to pay the tax imposed by this Act, has been assessed by the municipality in which the head office of the company is situated in the year 1898 for the year 1899 in respect of income or personal property such company shall

not be liable to be assessed and shall not be compelled to pay a greater rate or tax in respect of such assessment than could have been imposed under and in accordance with the provisions of the three next preceding sections, and for the purpose of ascertaining what the proper assessment should be under the said sections an appeal may be had to the county judge within sixty days from the passing hereof in the manner provided in the case of appeals from the Court of Revision notwithstanding that the roll may have been finally revised and the assessment roll shall be corrected according to the decision of the judge. An appeal shall lie to the Court of appeal from the decision of the judge of the County Court under this section.

11. The assessment and taxation of railway companies shall continue to be made under and in accordance with section 31 of *The Assessment Act*, and railways shall not be liable to municipal assessment or taxation of the tracks and roadways upon or along any street or highway.

Railways to
continue
liable to
assessment
under Rev.
Stat. c. 224.

11. (a) Where any country or any state of any country imposes a tax or license fee which has the effect of discriminating against insurance companies or against any classes of insurance companies organized under the laws of Canada or of this Province and which have their principal offices in Ontario, and which has the effect of placing a tax or license fee which is higher or greater than the tax or license fee which home companies in such state or country are made to pay, the Lieutenant-Governor in Council may by order direct that any insurance company or companies to be named in the order in council, and which are organized in or under the laws of any such country or state, or have their head or principal office in such country or state, and which transact insurance business in the Province shall pay in addition to the tax under this Act any tax or percentage in addition to that imposed by clause 2 (a) of section 2 of this Act calculated on the gross premiums received by such last mentioned company or companies in respect of the business transacted in the said Province during the preceding year, but so that such increase shall not exceed the equivalent of the extra tax or license or both imposed in such country or state on or against the company or companies or class or classes of companies first referred to in this section.

12. Nothing in this Act contained shall affect or interfere with any special assessment by a municipality upon property benefited by any local improvement for the cost of such local improvement.

Local im-
provement
taxes not
affected.

13. The said taxes shall in the year 1899 be payable on the first day of November, and thereafter shall be payable on the first day of June in each and every year.

When tax to
be payable.

Returns by
companies
liable to tax.

14. — (1) On or before the first day of July in the year 1899 and thereafter on or before the first day of April in each year every corporation or company on which a tax is by this Act imposed and which is doing business in the Province shall without any notice or demand to that effect from the Government deliver in duplicate to the Provincial Treasurer a detailed statement in which shall be set forth the name of the corporation or company, its business, the amount of its capital stock, and the amount thereof paid up; and in addition in the case of a bank the number of offices and agencies thereof in the Province; and in the case of companies under or within clause 13 of section 2 the amount of capital of the company used or invested in sleeping or parlor cars or rolling stock of such classes of cars used in the Province during the preceding year, and in the case of railways, the number of miles in use or operation in the Province during the preceding year, and in the case of street railways or railways operated by electricity and other companies paying a mileage rate the number of miles in operation in any city or cities within the Province during the preceding year.

Verification of
returns.

(2) Such statement and the information required by this section shall be made and furnished by and under the oath of the president and manager or of the manager and vice-president having personal knowledge of the affairs of the company and in the case of extra Provincial companies by the manager or chief agent of the company in Ontario and the accountant or secretary thereof or by such other person or persons connected with the company or corporation as the Treasurer may require and shall be in accordance with one of the forms in Schedule A hereto or upon such other forms as may be from time to time provided by the Lieutenant-Governor in Council.

Oaths—who
may administer.

(3) Any oath required to be taken under this Act may be taken before a commissioner for taking affidavits or a notary public.

Penalty for
not making
returns.

15.—(1) Every corporation or company which, and the manager or agent in the Province of any company as aforesaid who, neglects to conform to the provisions of the preceding section shall each be liable to a penalty of \$20 per day for each day during which default is made and the company shall also be liable to pay a tax of double the amount for which it would have been liable under the preceding sections, and any penalty or such double tax may be recovered with costs in any court of competent jurisdiction in an action brought in the name of the Treasurer aforesaid to be tried by a judge without a jury.

(2) In any such action the said Treasurer shall have the same right either before or after the trial to require the production of documents, to examine parties or witnesses or to

take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action.

16. The Treasurer may for good cause enlarge the time for making any such return.

Enlarging
time for
making
return.

17.—(1) All premiums payable to any insurance company on or in respect of any policy or renewals thereof shall for the purpose of this Act be deemed to be payable and shall be made payable within the Province by any and every insurance company doing business in the Province, and the taxes aforesaid shall be payable by the company as aforesaid upon and in respect of all such premiums whether they are paid or made payable in the Province or elsewhere than in the Province and whether such premiums are earned wholly or partly in Ontario, and wherever the policies are issued to or held by persons who resided at the time of the issue of the policy or who afterwards reside in Ontario, and whether the business in relation to such policies is or was transacted in whole or in part within Ontario or elsewhere.

Premiums to
be deemed
payable in
Province.

(2) Every insurance company or in the case of extra-provincial insurance companies the chief agent in Ontario of each such company and other person making the affidavit or return shall, in addition to the other particulars, state in the return the gross premiums received during the preceding year by the company in respect or on account of business done wholly or in part or of policies issued to or held by persons residing in the Province of Ontario whether such premiums were so received by the company within the Province or were received by the company elsewhere in respect of such Ontario business.

Additional re-
turns by in-
surance com-
panies.

(3) Every insurance company shall keep a separate book or set of books in which shall be correctly entered from time to time the premiums and all other receipts by the said company in respect of or accruing from business done by the said company wholly or in part in the Province of Ontario including the business of the year 1899, and in default thereof, and also in default of compliance with subsection 1 of this section the company shall pay the tax on the total gross premiums and gross income of the company.

Books to be
kept by insur-
ance com-
panies.

18. In case of default in payment of any taxes by this Act imposed the same may be levied and collected with costs by distress upon the goods and chattels wherever found of the company liable therefor under a warrant signed by the Treasurer of the Province directed to the sheriff of any county or counties in which the company in arrear may have any goods or chattels and in such case the sheriff shall realize the said taxes or so much thereof as may be in arrear and all costs by sale of such goods or so much thereof as may be necessary to satisfy the said warrant and costs or the said

Collection of
tax.

taxes^{as} or the penalty and double tax provided by this Act or both^{as} may at the option of the Treasurer be sued for and recovered with costs in any court of competent jurisdiction in an action to be brought in the name of the Treasurer, and the *action* or suit shall be tried by a judge without a jury.

Enforcing payment by injunction against natural gas company.

19. In addition to any other remedies for the recovery of the tax imposed by clause 11 of section 2 of this Act on natural gas companies and companies transmitting or transporting natural gas an injunction or an order in the nature of an injunction^{as} or such other remedy or relief as may be proper^{as} at the instance and in the name of the Provincial Treasurer may be obtained to prevent any such company from carrying on its operations at any time after and while it is in default in the payment of the tax due by it and unpaid.

Insolvency—tax to be a preferred claim.

20. In case of liquidation or insolvency of any of the corporations or companies upon which a tax is by this *Act* imposed the amount unpaid of such tax shall be a first lien or a preference claim upon the estate of such corporation or company subject to the provisions of any statute of Canada and to the costs and charges of liquidation or insolvency proceedings.

Requisition by treasurer for further information.

21. If the Treasurer in order to enable him to determine whether a statement furnished is correct, desires to obtain further information, he may by registered letter addressed to the president, manager, secretary, or agent of the corporation or company require a further statement to be furnished under oath within thirty days.

Commission of enquiry.

22. In case the required information is not furnished or in case the Treasurer is not satisfied therewith the Lieutenant-Governor in Council may direct inquiry to be made by a commissioner or commissioners, appointed under *The Revised Statute respecting Enquiries concerning Public Matters* and the determination of such commissioner or commissioners, after giving the parties an opportunity to be heard, shall, for the purpose of this Act, be final as to the particulars mentioned in their report, but the Lieutenant-Governor in Council may for cause vary *the* said report; but the amount found by the commissioner or commissioners shall not be increased without giving the company or its agents or solicitor an opportunity of being first heard.

Rev. Stat. c. 19.

Costs of commission.

23.—(1) If the inquiry is occasioned by failure to furnish the information required by the Treasurer the company or corporation shall pay the costs of the inquiry, subject to the next succeeding section, but if the statement is found to be correct and the required information was duly furnished the Treasurer may direct the costs or such of them as were necessary to be paid by the Province and he may for

this purpose settle the same or may direct a taxation thereof.

(2) In case the commissioner or commissioners shall find that the statement filed understates the amount on which the tax should be paid, the company or corporation besides paying the costs of the inquiry shall pay as a tax such sum as shall be found payable under the report of the commissioner or commissioners with fifty per cent. added to the amount of the entire tax as the same would have been computed under the preceding sections unless the Lieutenant-Governor in Council shall otherwise order.

Additional tax where amount understated.

(3) The costs of the commission shall be determined and certified by the Treasurer, or he may direct the same to be taxed, and when payable to the Crown the same may be recovered in the manner hereby provided for the recovery of taxes.

Taxation of costs.

(4) If the Treasurer directs the costs to be taxed the same shall be taxed by either of the Taxing Officers of the High Court.

Who to tax costs.

24. When the commissioner or commissioners have found that the statement so filed as aforesaid understates the amount on which the tax should be paid, but also certify that such understatement was not made with the intent and for the purpose of decreasing the amount of taxes to be paid but was made in good faith and with no improper motive, the Lieutenant-Governor in Council may, upon the recommendation of the Treasurer, remit so much of the added per centage and so much of the costs as to him in his discretion may seem meet.

When understatement of amount made in good faith.

25 "Preceding year" in this Act shall mean the year ending the 31st of December next before the time when the taxes hereby imposed are payable, and the said taxes shall be levied upon the paid up capital stock, mileage or other basis of taxation as the same stood on the said 31st day of December, and the statement hereinbefore required shall give the information specified as of the said date.

"Preceding year," meaning of.

26. In any action brought by the Treasurer under this Act it shall be sufficient if the action is brought by "the Treasurer of the Province of Ontario" as plaintiff and it shall not be necessary to name the Treasurer and the action shall not abate by reason of a change in the person of Treasurer but the action may proceed as though no change had been made.

Actions to be brought by "the Treasurer of the Province of Ontario."

27. The penalties under this Act shall be recovered only at the instance or under the authority or by the consent of the Attorney-General of the Province.

Penalties to be recovered by Attorney-General.

28. This Act shall come into force immediately upon the passing thereof.

Commencement of Act.

SCHEDULE A.

FORM OF STATEMENT TO BE FURNISHED BY BANKS UNDER SECTION 13.

We of in the County of and of
in the County of , each for ourselves make oath and say as follows :

(1) That I, the said , am the President (or, as the case may be *a*) and that I, the said , am the Manager of the Bank of (as the case may be *a*).

(2) That the head office of the said Bank is situated at . (See clauses 5 and 6 of section 2).

(3) That we have personal knowledge of the affairs of the said Bank.

(4) That the amount of the capital stock of the said Bank is \$.

(5) That the amount of the paid-up capital stock of the said Bank is \$.

(6) That the said Bank has its principal office or place of business in the Province of Ontario at the of , and the said Bank has in addition thereto offices, branches or agencies in the following places, that is to say :

(NOTE.—*In cases coming within section 5 the following to be added :*)

(7) The amount of the paid up capital of the said bank which was employed in Ontario during the year was the sum of \$.

Sworn before me at the of in the }
County of this }
day of , 18 }

FORM OF STATEMENT TO BE FURNISHED BY INSURANCE COMPANIES
UNDER SECTION 13.

We, , of , in the County of and of in the County of , each for ourselves make oath and say as follows :

(1) That I, the said , am the President (or, as the case may be *a*) and I, the said , am the Manager (as the case may be *a*) of the Company (state the name in full of the company).

(2) That the head office of the said company is situated at . (See clauses 5 and 6 of section 2).

(3) That the business of the said company is that of fire insurance (or, as the case may be)

(4) That we have personal knowledge of the affairs of the said company.

(5) That the amount of the capital stock of the said company is \$.

(6) That the amount of the paid-up capital stock of the said company is \$.

(7) That the amount of the gross premiums received during the year by the said company in respect of or on account of business done wholly or in part or of policies issued to or held by persons residing in the Province of Ontario was the sum of \$.

NOTE.—*In the case of a company coming within clause 2 (b) of section 2 the following to be added :*

(a) NOTE.—In the case of extra Provincial companies the affidavit is to be made by the manager or chief agent of the company in Ontario and the accountant or secretary thereof, or by such other person or persons connected with the company or corporation as the Provincial Treasurer may require.

(8) The said company lends money on security and has invested in the Province of Ontario the sum of \$. the income derived from which was during the year the sum of \$.

Sworn before me at }
of in the }
County of this }
day of , A.D. 18 . }

FORM OF STATEMENT TO BE FURNISHED BY LOAN COMPANIES.

We, , of , in the County of , and
of to the County , each for ourselves
make oath and say as follows :

(1) That I, the said , (or, as the case may be (a)) and I,
the said , am the manager (or as the case may be (a)) of the
company (state name of company in full).

(2) That the head office of the said company is at . See)
clauses 5 and 6 of section 2).

(3) That the business of the said company is that of a loan company.

(4) That the amount of the capital stock of the said company is \$.

(5) That the amount of the paid-up capital stock is \$.

NOTE.—In the case of a loan company having its organization or head office in Great Britain or Ireland the following to be added :

(6) That the amount of the funds of the said company which was in use or employed in Canada during the year was the sum of \$.

(a) NOTE.—In the case of extra Provincial companies the affidavit is to be made by the manager or chief agent of the company in Ontario and the accountant or secretary thereof or by such other person or persons connected with the company or corporation as the Provincial Treasurer may require.

BILL

An Act to supplement the Revenues of the
Crown in the Province of Ontario.

First Reading, 1st March, 1899.

Second Reading, 14th March, 1899.

*(Reprinted as amended in Committee of the
Whole House.)*

MR. HARCOURT.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 166.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 586 of *The Municipal Act* is amended by adding
5 thereto the following:—

Rev. Stat.
223, s. 586
amended.

Camping on Highways.

By the councils of counties, cities, towns, townships and
villages:

11. For prohibiting persons from living in tents, or station-
10 ary waggons or vans, or camping or sleeping upon any public
highway within the jurisdiction of the council or upon any
unenclosed land adjoining such public highway without the
consent of the owner of such land, and for authorizing con-
stables or other peace officers to arrest without warrant all
15 persons found violating such by-law.

Camping, etc.
on highways
or unenclosed
land
adjoining.

No. 166.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Municipal Act.

First Reading, March 2nd, 1899.

Mr. RICHARDSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 167.]

BILL.

[1899.

An Act to prevent the growth and cultivation of the
Barberry Shrub.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. This Act may be cited as *The Barberry Shrub Act*. Short title.

5 2. In this Act the word "Minister" shall mean the Minister Interpretation
"Minister."
of Agriculture for the Province of Ontario.

3. The word "shrub" shall mean any plant, herb or hedge "Shrub."
known as barberry.¹

10 4. No person shall keep or have under cultivation or other- Cultivation of
barberry when
prohibited.
wise in the Province of Ontario, barberry, within one-half
mile of farm lands which are being used as grain producing
lands.

15 5. Whenever it is reported to the Minister that barberry Inspection
and destruc-
tion of bar-
berry when
grown con-
trary to law.
is growing and being cultivated contrary to the Act, the Minis-
ter may direct a competent person to make an examination and
inspection and may order the same to be destroyed by fire, by
the person so appointed to make the inspection, or by the per-
son owning or having possession of said shrub, or some other
person so directed, and the person so directed shall make a full
20 report to the Minister in writing, as to the nature and extent

of the work so performed, together with a fair estimate of the value of the plant so destroyed.

Inspector to
have free
access to
premises.

6. Any person appointed by the Minister under this Act to inspect or destroy any plant for the enforcing of the provisions of this Act, shall, upon producing his authority in writing, 5
have free access to any nursery, orchard, store, store-house or other place where it is known or suspected, that any shrub is kept.

Compensation
when shrub
destroyed.

7. *Upon the recommendation of the Minister there may be paid out of the Consolidated Revenue Fund of the Province 10*
to the owner of any shrub so destroyed a sum not exceeding one-fourth of the value thereof as reported upon by such officer or other competent person appointed as aforesaid, but nothing in this section shall apply to any shrub imported into the Province of Ontario within a period of one year prior to 15
the examination of such officer aforesaid.

Penalty.

8. Any person neglecting to carry out the provisions of this Act or any person offering any hindrance to the carrying out of this Act shall, upon summary conviction, be liable to a fine of not less than \$20 nor more than \$100, together with costs, 20
and in default of payment thereof shall be subject to imprisonment in the common gaol for a period of not less than ten days nor more than thirty days.

2nd Session, 5th Legislature, 62 Viet., 1899.

BILL.

An Act to prevent the growth and cultivation of the Barberry shrub,

First Reading, 2nd March, 1899.

Mr. LITTLE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 168.]

BILL.

[1899.]

An Act to amend The Municipal Act respecting Tax
Exemptions.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 411 of *The Municipal Act* is repealed.

Rev. Stat.
c. 223, s. 411,
repealed.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act respecting Tax Exemptions.

First Reading 2nd March, 1899.

Mr. PATTULLO.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 169.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 617 of *The Municipal Act* is amended by adding thereto the following sub-section :—

Rev. Stat.
c. 223, s. 617,
amended.

- 5 (5) An iron bridge on stone piers and abutments crossing a navigable river which forms the boundary between two counties and which bridge is the length of not less than three hundred feet and provided with a swing and has been erected by contributions from Municipal, Dominion and Provincial
10 sources, shall be deemed a bridge over a river forming a boundary line between two counties within the meaning of this section.

Certain
bridges
declared to be
bridges on
county bound-
ary lines.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Municipal Act.

First Reading, 2nd March, 1899.

MR. STRATTON.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Cycle Paths and Cycle Path
Commissioners.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

Short Title.

- 5 1. This Act may be cited as the "Cycle Path Commissioners Short title.
Act."

Interpretation.

2. Where the words following occur in this Act they shall ^{Interpreta-}
be construed in the manner hereinafter mentioned unless a
10 contrary intention appears.

(1) "County Court Judge" shall mean the senior county ^{"County}
judge in counties where there is also a junior judge, and shall ^{Court}
also include a judge of a district court. ^{Judge."}

(2) "County" shall include any union of counties and any ^{"County.}
15 district, and shall include also all cities, towns and villages
situate within its borders.

(3) "Bicycle" shall include also a tricycle, but not a child's ^{"Bicycle.}
velocipede.

(4) "Cyclist" shall mean a person actually accompanied by ^{"Cyclist."}
20 a bicycle and engaged in riding thereon.

"Highways." (5) "Highways" shall mean all public roads, streets, lanes and other public ways and communications.

"License." (6) "License" shall mean any form of device or inscription provided under the provisions of this Act for the purpose of carrying this Act into effect.

5

Boards of
Cycle Path
Commission-
ers.

3. The county court judges of the Province are hereby authorized each to appoint from the resident citizens of the county over which he presides five persons, who shall constitute boards of cycle path commissioners for their respective counties, who shall serve without compensation, except their

Appointment,

actual and necessary disbursements in the performance of their duties, and whose terms of office shall be designated respectively at one, two, three, four and five years: and there-

10

Term of office,

after as the term of office of each commissioner expires, or whenever a vacancy shall occur in such board in any county the county judge shall appoint a successor thereto for the full term of five years, or for the unexpired term, as the case may be, and any commissioner whose term of office expires shall be eligible for reappointment.

15

Licences for
use of bicycles.

4. Such board of cycle path commissioners shall upon entering upon its duties, and at the first meeting in each calendar year thereafter, determine upon a form of license to be affixed or attached to a bicycle, and shall upon payment of a fee of fifty cents cause the same to be affixed or attached in some prominent place upon each bicycle presented for such purpose. Each such license shall have stamped or marked on it the year in which it is issued and a number, but no two licenses in the same year shall bear the same number. A record shall be kept of the name of the owner or user of each bicycle to which a license is attached or affixed together with the number of such license, together also with the number of each bicycle to which a license is affixed and the name of its manufacturer, and each license shall be valid during the calendar year in which it is so attached or affixed to a bicycle, and no longer.

35

License to be
a part of
bicycle.

5. Each license after being issued and attached or affixed to any bicycle shall be deemed to be a part of and incident to such bicycle for the current calendar year, and it shall not be transferable except with the bicycle to which it was originally attached or affixed, and in the event of the sale or transfer during the same year of any bicycle to which such license has been attached or affixed it shall not be lawful for the party so selling or transferring such bicycle to remove such license and attach the same to any other bicycle, and any person so doing shall be liable to the penalties provided for in section 10 of this Act.

40

Not trans-
ferable.

45

6. The cycle paths now in existence and hereafter constructed in any city, town, or county are hereby declared to be for the exclusive use of cyclists, except that where necessary the same may be used by pedestrians, but no person residing in any county shall ride a bicycle on cycle paths now in existence or hereafter constructed in such county unless there shall appear upon it a valid license issued as above provided.

Cycle paths
who may use

7. The license fees collected by the boards of cycle path commissioners, as above provided, shall be deposited on or about the first day of each month with the City, Town or county treasurer, whichever may be agreed upon by the boards in each particular case, by whom it shall be credited to a special fund to be called "The Cycle Path Fund" upon which the boards of cycle path commissioners respectively are authorized to draw warrants by the hand of the chairman or vice chairman, but no warrant shall be drawn in excess of the amount actually on deposit, nor shall any contract or purchase be made exceeding the amount of such fund at the time of making such contract or purchase.

License fees
to be deposited
with county,
city or town
treasurer.

Cycle path
fund.

8. The said boards of cycle path commissioners shall devote the moneys so collected to the repairing of existing cycle paths in their respective counties, to the construction and maintenance of new cycle paths therein, which, they are hereby authorized to construct and maintain on any highway, subject, however, to the approval of the city, town or county engineer, or other officer performing similar duties having jurisdiction, to the maintaining order upon such cycle paths and to the enforcement of such necessary rules and by-laws for the use thereof as may be, from time to time, adopted by the respective boards of cycle path commissioners, or by the respective municipalities in which such cycle paths are constructed.

Application
of cycle path
fund.

9. All cycle paths now in existence and such as shall hereafter be constructed in any municipality with the approval of the city, town or county engineer, or other officer performing similar duties, shall be deemed to be set apart for the purposes of a bicycle path within the meaning of subsection 1 of section 640 of *The Municipal Act* whether a by-law shall have actually been passed by the Council of such Municipality or not.

Bicycle paths
to be deemed
to be within
the meaning of
provisions
relating
thereto.

Rev. stat.
c. 223.

10. Any person riding a bicycle upon any cycle path now existing or hereafter constructed in any county in which a board of cycle path commissioners is organized under the provisions of this Act in violation of section 6 of this Act shall, providing he or she resides in such county, be liable to a fine not exceeding \$10 and not less than \$2 for each offence, and all fines collected under the provision of this Act shall be deposited

Penalty for
using bicycle
path without
license.

Proviso.

ited with the custodian of the cycle path fund for the county in which the fine was levied to the credit of such fund. Provided, however, that in case a person rides a bicycle on any cycle path as aforesaid, in a county in which he does not reside, then if a board of cycle path commissioners has been organized in and for the county in which he does reside he shall be liable to the like fine as if he had been a resident of the county in which the offence was committed, but in such event one-half the fine imposed shall be forthwith remitted to the chairman of the board of cycle path commissioners for the county in which such person resides. 5 10

Chairman and vice-chairman of board.

Quorum. Meetings. Officers.

11. Upon the appointment of a board of cycle path commissioners under the provisions of this Act in any county, it shall at its first meeting, and at its first meeting in each year thereafter, elect a chairman and vice-chairman from among its members, and at all meetings of the board the chairman, or in his absence the vice-chairman shall preside. Three members of the board shall constitute a quorum and the board shall hold meetings upon the call of the chairman or vice-chairman, and the board shall appoint a secretary who need not necessarily be a member of the board, and such other officials as may be considered necessary for the purpose of carrying the objects of this Act into effect. 15 20

Duties and remuneration of officers.

12. The board shall designate the duties of the secretary and such other officials, and shall have authority to fix the remuneration which shall be paid to each for his services. 25

Union of Boards of different counties.

13. Where a board of cycle path commissioners has been organized in any county, and it is made to appear to the county judge of an adjoining county that it would be expedient for such lastly mentioned county to be united with the former for the purposes of this Act, then if the board of cycle path commissioners for the former county indicates by resolution that such board is willing that the said two counties should be so united, the said county judge may make an order accordingly, and he shall thereupon appoint three resident citizens of the said county to act as members of the said board, as provided by section 3 of this Act, whose terms of office shall be designated respectively at one, two and three years and thereafter as the term of office of each commissioner expires, or whenever a vacancy shall occur in such board in so far as the representation of the said county is concerned, the said county judge shall appoint a successor thereto for the full term of three years or for the unexpired term as the case may be, and any such commissioner whose term of office expires shall be eligible for re-appointment. 30 35 40 45

BILL.

An Act respecting Cycle Paths and Cycle
Path Commissioners.

First Reading, 2nd March, 1899.

MR. STRATTON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 171.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 73 of *The Municipal Act* as amended by section 4 Rev. Stat., c. 223, s. 73,
5 of *The Municipal Amendment Act of 1898*, is further amended amended.
by adding after the word “councillors” in the second line
thereof the words “who shall be designated as 1st, 2nd, 3rd
and 4th councillors and.”

No. 171.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 3rd March, 1899.

Mr. DUFF.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty

An Act to amend The Municipal Act.

WHEREAS a very large amount of private capital is Preamble.
invested in gas and electrical works erected to provide
lighting for municipalities and their inhabitants, and in many
cases the investment thereof was embarked upon at the solici-
tation and with the encouragement of municipalities wherein
the works are situated; and whereas a desire has been evinced
on the part of some municipal corporations to construct works
for lighting and to embark upon the business of lighting as a
portion of municipal enterprise, and it is expedient to make
some just and equitable provision in respect thereof; and
whereas, in some cases, contracts for lighting between com-
panies and municipal corporations are about to expire and
differences are liable to arise between the contracting parties
in reference to the terms upon which new contracts should be
entered into, and it is desirable, in the interests of all parties,
that some simple and effective plan should be devised for
adjusting such differences.

Her Majesty by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:—

1. Subsection 4 of section 566 of *The Municipal Act* is Rev. Stat. c.
amended by striking out the first six lines and clause 223, s 566,
(a) thereof, and inserting in lieu thereof the following words subs. 4,
and clauses (a) and (aa):— amended.

By the councils of cities, towns and villages.

By-law for constructing gas, electric lighting and water works.

4. For constructing gas, electric light or water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years or not less than five years for gas or water works, or for electric light works in towns having a population of 5,000 or less, as ascertained by the latest census of Canada, and not exceeding twenty years or less than five years for electric light works in cities and towns having a population of over 5,000 as ascertained by such latest census, and in villages.

Council to buy out electric lighting companies.

(a) In case there is any gas, electric light or water company incorporated for or in the municipality, the council shall not levy any such special rate until such council has, by by-law, fixed a price to offer for the works or stock of the company or companies, nor until after thirty days have elapsed after notice of such price has been communicated to the company or companies, without the company or companies having accepted the same, or without the company or companies having, under the provisions of this Act, as to arbitrations, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company or companies, and in case the company or companies and the municipality do not agree, the said price shall be determined by arbitration under this Act; and where there is more than one such company in the municipality the arbitrators shall determine the share or proportion of the price to be paid to each company.

(aa) In case there is any gas or electric light company incorporated in or for a municipality, the council may, by by-law, fix a price and terms to offer for the supply by contract of gas or electric light for street lighting and other public uses for a term of not less than five years and not more than ten years, and after thirty days have elapsed after notice of such price and terms has been communicated to the company without the company's having accepted the same, the council may, under the provisions of this Act as to arbitrations, name and give notice of an arbitrator to determine the price and terms of the contract for such supply of gas or electric light as aforesaid, and in case the company and the municipality do not agree the said price and terms shall be determined by arbitration under this Act.

Rev. Stat. c. 223, s. 566, subs. 4, amended.

2. Clauses (d) and (e) of the said subsection 4 of section 566 are amended by adding the words "electric light" after the word "gas" wherever the latter word occurs in the said clauses.

Rev. Stat. c. 223, s. 569, subs. 5, amended.

3. Subsection 5 of section 569 of *The Municipal Act* is hereby amended by inserting the words "electric light" after the word "gas" wherever the latter word occurs in the said subsection 5 of the title thereof.

No. 172.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 3rd March, 1899.

MR. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 172.]

BILL.

[1899.]

An Act to amend The Municipal Act.

WHEREAS a very large amount of private capital is Preamble.
invested in gas and electrical works erected to provide
lighting for municipalities and their inhabitants, and in many
cases the investment thereof was embarked upon at the solici-
tation and with the encouragement of municipalities wherein
the works are situated; and whereas a desire has been evinced
on the part of some municipal corporations to construct works
for lighting and to embark upon the business of lighting as a
portion of municipal enterprise, and it is expedient to make
some just and equitable provision in respect thereof; and
whereas, in some cases, contracts for lighting between com-
panies and municipal corporations are about to expire, and
differences are liable to arise between the contracting parties
in reference to the terms upon which new contracts should be
entered into, and it is desirable, in the interests of all parties,
that some simple and effective plan should be devised for
adjusting such differences.

Her Majesty by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:—

1. Subsection 4 of section 566 of *The Municipal Act* is Rev. Stat. c.
amended by striking out the first six lines and clause 223, s. 566,
(a) thereof, and inserting in lieu thereof the following words subs. 4,
and clauses (a) to (a7) *inclusive*:— amended.

By the councils of cities, towns and villages.

By-law for constructing gas, electric lighting and water works.

4. For constructing gas, electric light or water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years or not less than five years for gas or water works, or for electric light works in towns having a population of 5,000 or less, as ascertained by the latest census of Canada, and not exceeding twenty years or less than five years for electric light works in cities and towns having a population of over 5,000 as ascertained by such latest census, and in villages.

Council to buy out electric lighting companies.

(a) In case there is any gas, electric light or water company incorporated for or in the municipality, the council shall not levy any such special rate until such council has, by by-law, fixed a price to offer for the works or stock of the company or companies, nor until after thirty days have elapsed after notice of such price has been communicated to the company or companies, without the company or companies having accepted the same, or without the company or companies having, under the provisions of this Act, as to arbitrations, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company or companies, and in case the company or companies and the municipality do not agree, the said price shall be determined by arbitration under this Act; and where there is more than one such company in the municipality the arbitrators shall determine the share or proportion of the price to be paid to each company. This clause (a) shall only apply to a gas or electric light company that has supplied or shall supply gas or electric light for street lighting in the municipality, or to a water company that has supplied or shall supply water for street hydrants in the municipality.

~~42~~(a2) In any arbitration under clause (a) hereof to determine the price to be paid for such works and property, the arbitrators shall determine the actual value of such works and property having regard to what the same would cost if the works should be then constructed or the property then bought making due allowance for deterioration and wear and tear, and making all other proper allowances, but not allowing anything for prospective profits or franchise and shall, in the case of gas or water works, increase the amount so ascertained by ten per cent. thereof, and such amount so ascertained in the case of electric works and such increased amount in the case of gas or water works shall be the amounts respectively which the arbitrator or arbitrators shall award as the price to be allowed for the works hereunder. ~~43~~

~~43~~(a3) Provided that if in the opinion of the council of any such municipality special or exceptional reasons exist which would render it onerous for the council to be bound to make an offer as aforesaid and proceed under the provisions of clause (a) hereof, such council may by petition apply to the

Lieutenant-Governor-in-Council to be relieved from making such offer and from the conditions in said clause (a) imposed, and the Lieutenant-Governor-in-Council after notice to the company or companies of the filing of the said petition and after an opportunity has been given to the companies in reply thereto may, subject to such conditions as the Lieutenant-Governor-in-Council may deem expedient by order in council, permit the municipality to proceed to levy such special rate without making an offer hereunder, and notwithstanding the provisions of clause (a) hereof, but subject to such conditions, if any, as may be imposed by such order. ~~or~~

(a4) Where in any of the said municipalities the municipal Purchase. council desires to construct works as aforesaid to supply light for street lighting and other public uses, or to supply water for street hydrants and other public uses, but not for commercial purposes, the council may, by the said by-law, limit the price to be offered as aforesaid to a price for part only of the works of a company, that is to say, to so much thereof as may be required for such public uses, and in the event of an arbitration hereunder thereafter held to determine as to such offer and price, the arbitrator or arbitrators shall have power, after taking into consideration the effect of severance on the remaining property and business of the company, to award a severance of the works, if the arbitrator or arbitrators shall determine that after severance the company will be in all probability, having regard to the nature of the business, and all the circumstances, in a position to successfully carry on that part of their business which consists in supplying private consumers at rates not less favorable to the consumers, the company to have the right to continue to operate the balance of their works for that purpose, and if the arbitrator or arbitrators shall so award a severance, they shall, by their award, determine what part of the works the municipality shall acquire for said purposes before levying the said special rate, as well as the price thereof, but nothing herein contained shall affect the right of the council at any subsequent time to offer a price for the said balance of the said works under the provisions of this Act.

(a5) In case there is any gas, or electric light company Contract. supplying gas, electric energy or light or water company supplying water in any municipality, the council may, by by-law, fix a price and terms to offer for the supply by contract by such gas or electric light company of gas or electric energy or light for street lighting and other public uses, or for the supply, by contract by such water company of water for street hydrants and other public uses for a term of not less than five years and not more than ten years, and after thirty days have elapsed after notice of such price and terms has been communicated to the company without the company's having accepted the same, the council may, under the provisions of this Act as to arbitrations, name and give

notice of an arbitrator to determine the price and terms of the contract for such supply of gas or electric light as aforesaid, and in case the company and the municipality do not agree the said price and terms shall be determined by arbitration under this Act.

Individual.

(a6) All the provisions of this Act shall, apply where an individual supplies electric light or electrical energy; or gas or water for municipal and public purposes. In all such cases the municipal corporation and the individual shall proceed hereunder, and be subject to the provisions hereof in the same manner as if the individual were a company.

Official arbitrators.

(a7) Any municipal corporation and company or individual may agree that the official arbitrator for the City of Toronto shall determine any matters in difference hereunder, and in such case his award shall be final and binding upon the parties as is such award had been made by arbitrators appointed under this Act.

Special Act and contracts.

Inserting words.

~~2.~~ 2. Clause (b) of sub-section 6 and ~~the~~ sub-section (7) of section 569 of the said Act are hereby amended by adding at the end thereof *respectively* the following words: "Or the provisions contained in any contract now existing between any municipal corporation and any company."

Rev. Stat. c. 223, s. 566, sub. 4, amended.

3. Clauses (d) and (e) of the said subsection 4 of section 566 are amended by adding the words "electric light" after the word "gas" wherever the latter word occurs in the said clauses.

Rev. Stat. c. 223, s. 569, subs. 5, amended.

4. Subsection 5 of section 569 of *The Municipal Act* is hereby amended by inserting the words "electric light" after the word "gas" wherever the latter word occurs in the said subsection 5 of the title thereof.

NO. 172.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 3rd March, 1899.

(*Reprinted for Municipal Committee.*)

Mr. CONNIE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 173.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 1 of section 80, of *The Municipal Act*, is
5 amended by striking out all the words therein after the words
“police magistrate” in the tenth line, and inserting in lieu
thereof the words, “and no person having by himself or his
partner or being a shareholder in any incorporated company
having an interest in any contract with or on behalf of the
10 corporation, or having or being a shareholder in any incorpo-
rated company having a contract for the supply of goods or
materials to a contractor for work for which the corporation
pays, or is liable directly or indirectly to pay, or which is sub-
ject to the control or supervision of the council or of an officer
15 thereof on behalf of the council, or who has by himself or his
partner or is a shareholder in an incorporated company which
has an unsatisfied claim for such goods or materials, and no
person who, either by himself or with or through another, has
any claim, action or proceeding against the municipality, and
20 no person who is counsel or solicitor, either by himself or with
or through another, in the prosecution of any claim, action or
proceeding against the municipality, shall be qualified to be a
member of the council of any municipal corporation.”

Rev. Stat.
c. 223, s. 80,
ss. 1, repealed.

Contractors
and others
having deal-
ings with
municipalities
disqualified
for election.

2. Sub-section 2 of the said section is amended by striking
25 out paragraph *a* of the said sub-section and inserting in lieu
thereof the words:

Rev. Stat.
c. 223, s. 80,
ss. 2 amended.

(a) By reason of his having a lease for twenty-one years or
upwards, of any property from the corporation, but no such
leaseholder shall vote in the council on any questions affecting
30 any lease from the corporation.

Lessees from
corporation
not disquali-
fied.

No. 173.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act

First Reading, 3rd March, 1899.

Mr. CARNEGIE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 174.]

BILL.

[1899.

An Act to amend the Act respecting Police Magistrates

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 2 of *The Act respecting Police Magistrates* is
5 amended by striking out the figures "\$800" in the second line
of paragraph (b) of the said section and inserting the figures
"\$400" in lieu thereof and by striking out the figures "\$1,000"
in the fourth line of the said paragraph and inserting the
figures "\$500" in lieu thereof and by striking out the figures
10 "\$1,200" in the fifth line of the said paragraph and inserting
the figures "\$600" in lieu thereof.

Rev. Stat.
c 89, s. 2,
amended.

Salaries of
police
magistrates
in towns.

2. This Act shall apply to the salaries of all police magis-
trates now holding office in towns of less than 10,000 popu-
lation.

Application
of Act.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Act respecting Police
Magistrates.

First Reading, 3rd March, 1899.

Mr. FOX.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 175.]

BILL.

[1899.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. Subsection 1 of section 591 of *The Municipapl Act* is
5 amended by adding at the end thereof the following words:
“or for any association formed for the holding of a fat stock
or live stock show or exhibition or any exhibition for the
promotion or improvement of farming in any of its branches
or departments.”

Rev. Stat.
c. 223, s 591,
subs. 1,
amended.
And to live
stock shows.

No. 175.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend the Municipal Act.

First Reading, 3rd March, 1899.

Mr. MUTRIE.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act relating to the employment of Aliens on works carried on under franchises granted by Private Acts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Labour Regulation Act*, Short title.
5 1899.

2. In case of any Act passed during the present Session, or hereafter passed, giving, granting or confirming to any person or persons or body corporate the right of erecting a bridge, building a railway, tramway, turnpike road, telegraph or tele-
10 phone line, the construction or improvement of a harbor, canal, lock, dam, slide, or other like work, the right of ferry, the right of carrying on any trade, business, occupation, or calling, the giving, granting, or confirming to such person or persons or body corporate any property, rights, or privileges whatso-
15 ever, or for the amendment to a former Act of a like nature which has not already similar provisions, no alien shall be employed in connection with or in relation to any of the works, rights, trade, business, occupation, or property given, granted, confirmed, authorized, or affected by the Act.

Aliens not to be employed on works constructed under special Acts.

20 3. In the event of any alien being so employed, the person or persons, or any contractor or sub-contractor, by whom the same shall be employed shall be liable, upon summary convic-

Penalty for employment of aliens.

tion before any two justices of the peace, or a police magistrate, upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars, nor less than ten dollars, for each alien employed; and in case of default in immediate payment of the penalty the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress the offender may be committed to the common gaol of the county where the trial takes place, for a period not exceeding thirty days; and any member, manager, director, officer or agent of a corporation who causes or procures any alien to be employed, contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in the manner hereinbefore mentioned.

Separate penalty for each day upon which aliens employed.

4. The offender shall be liable to separate and successive penalties for each and every day during which any alien shall be employed.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act relating to the employment of Aliens
on works carried on under franchises
granted by Private Bills.

First Reading, 3rd March, 1899.

Mr. WARDELL.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 177.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The following clause is hereby added to section 666 of
5 *The Municipal Act*. Rev. Stat.
c. 223, s. 666.
amended.

And any ratepayer whose property adjoins, and who has been assessed for the said works or improvements, may, on giving one month's notice to the said municipality that the said works or improvements are not in such good and sufficient
10 state of repair, apply by a summary proceeding to a Judge of the High Court of Justice, or to a County Judge having jurisdiction in such municipality, for an order respecting the keeping of the said works or improvements in such a state of repair as may be reasonable and proper and as is hereinbefore
15 required. Compelling municipality to maintain works constructed as local improvements.

(See *Drainage Act*, R.S.O. 1897, c. 226, s. 73.)

No. 177.

2nd Session, 9th Legislature, 62 Vic., 1899

BILL.

An Act to amend The Municipal Act.

First Reading, 6th March, 1899.

Mr. GARROW.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 178.]

BILL.

[1899.]

An Act to amend the Law respecting the Liability of Trustees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If in any proceeding affecting trustees or trust property it appears to the court that a trustee, whether appointed by the court, or by an instrument in writing, or otherwise, or that
5 any person who in law may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach of trust whether the transaction alleged or found to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably, and ought fairly to be
10 excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same.

Relief of trustees committing technical breach of trust.

15 (See *In re Turner* (1897) 1 Ch. 536, and *In re Stuart* (1897) 2 Ch. 583. Imp. Act. 59-60 Vict. c. 35, s. 3.)

No. 178.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Law respecting the
Liability of Trustees.

First Reading, March 6th, 1899.

MR. GARROW.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 178.]

BILL.

[1899.]

An Act to amend the Law respecting the Liability of Trustees.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. If in any proceeding affecting trustees or trust property it appears to the court that a trustee, whether appointed by the court, or by an instrument in writing, or otherwise, or that any person who in law may be held to be fiduciarily responsible as a trustee, is or may be personally liable for any breach of trust whether the transaction alleged or found to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same.

Relief of trustees committing technical breach of trust.

(See *In re Turner* (1897) 1 Ch. 536, and *In re Stuart* (1897) 2 Ch. 583. Imp. Act. 59-60 Vict. c. 35, s. 3.)

Rev. Stat.
c. 129, s. 33,
application to
administrators.

§2. Section 33 of "*The Trustee Act*" (R.S.O. 1897, chapter 129) shall extend to and include administrators upon intestacy, and with will annexed, and whether already appointed or hereafter to be appointed. ²⁷

Relief of
persons with
whom trust
moneys
deposited.

§3.—(1) Any persons with whom trust moneys have been deposited or to whose hands trust moneys have come, may in case the trustee has been absent from the Province for a period of a year and is not likely to return at an early date or in the event of the trustee's death, pay the same into the High Court under and in conformity with the provisions of law for the relief of trustees. ²⁸

§(2) This section shall extend to a case where there are more trustees than one and the trustee or trustees in the Province cannot give an acquittance of the money. ²⁹

BILL.

An Act to amend the Law respecting the
Liability of Trustees.

First Reading, 6th March, 1899.
Second Reading, 9th March, 1899.

*(Reprinted as amended in Committee of
the Whole House.)*

Mr. GARROW.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Act Respecting Wages.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Chapter 156 of the Revised Statutes of Ontario is
5 amended by the addition thereto of the following section :— Rev. Stat. c.
156, amended.

9.—(1) The wages in respect of which priority is herein-
before in this Act conferred and declared shall become due and
be payable by the assignee, liquidator, sheriff, executor, admin-
istrator or other person charged with the duty of winding up
10 or distributing the various estates aforesaid within one month
from the time when the estate so being wound up or distri-
buted shall have been received by or placed under the control
of such assignee, liquidator, sheriff, executor, administrator or
other person as aforesaid unless it shall appear to him or them
15 that the said estate is not of sufficient value to pay the claims
or charges (if any) thereon having by law priority over the
said prior claim for wages, and the ordinary expenses and dis-
bursements of winding up and distributing the said estate ;
but such ordinary expenses shall not include the cost of litiga-
20 tion or other unusual expenses concerning the estate or any part
thereof, unless the persons entitled to the said lien for wages
shall have consented in writing to such proceedings being
taken before they were commenced or shall afterwards have
adopted or ratified in writing such proceeding.

When wages
to be payable
on distribution
of estate by
assignee, ad-
ministrator,
etc.

Proviso:—
Protection of
assignee, etc.,
paying claims
for wages.

2. Provided that in the case of such prior claims for wages as aforesaid the said assignee, liquidator, sheriff, executor, administrator or other person engaged in winding up or distributing an estate may forthwith upon such estate coming to his hands, pay the said prior claims for wages without being chargeable in case it shall in the end appear that such estate was insufficient to have justified such payment provided he has acted in good faith and has reasonable grounds to believe that the estate would prove sufficient. 5

Lien holders
joining in
action for
wages.

3. Any number of lien holders in respect of such prior claims for wages upon the same estate may join in any action, suit or other proceeding for the enforcement of such claims. 10

No. 179.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend The Act Respecting Wages

First Reading, 6th March, 1899.

MR. GARROW.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 180.]

BILL.

[1899.

An Act respecting the closing and sale of disused
Cemeteries owned by Municipalities.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario
enacts as follows :—

1. It shall be lawful for a municipal council by by-law to
5 declare and enact after hearing all parties interested desiring
to be heard, that any old or disused cemetery or place of
burial situated within the municipality and owned by the
corporation thereof, shall cease to be and to be used as, a cem-
etery or burial place, and thereupon and in compliance with
10 the provisions hereinafter contained, the said municipal council
may sell and dispose thereof either by public auction or pri-
vate sale, and may execute all necessary conveyances to the
purchaser or purchasers thereof and the proceeds shall form
part of the common funds of such municipality.
- 15 2. Public notice of an intention to pass such a by-law shall
be previously given by at least six insertions of an advertise-
ment to that effect in a newspaper published in the municip-
ality, or if no newspaper is so published therein a newspaper
published in the county town, the first insertion to appear at
20 least six calendar months prior to the passing of such by-law.
3. Until such by-law is finally passed it shall be lawful by
and with the written consent of the local board of health for

Closing up and
sale of disused
cemeteries.

Notice of by-
law.

Removal of
remains.

any person interested to enter upon and to remove the remains of deceased persons who have been buried in such cemetery or burial place, together with all coffins, tombstones, vaults or other memorials therein or thereon.

Registration
of by-law.

4. A copy of the said by-law certified to be a true copy 5
under the hand of the municipal clerk and the seal of the corporation, may without further proof be registered in the registry office for the county or registry division in which such municipality is situated, for the registration whereof the registrar shall be entitled to charge a fee of \$1. 10

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the closing and sale of dis-
used Cemeteries owned by Municipalities.

First Reading, 6th March, 1899.

Mr. GARROW.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 180.]

BILL.

[1899.

An Act respecting the closing of disused Cemeteries.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. It shall be lawful for a municipal council by by-law to declare and enact after hearing all parties interested desiring to be heard, that any old or disused cemetery or place of burial situated within the municipality and owned by the corporation thereof, shall cease to be and to be used as, a cemetery or burial place, and thereupon and in compliance with the provisions hereinafter contained, the said municipal council may sell and dispose thereof either by public auction or private sale, and may execute all necessary conveyances to the purchaser or purchasers thereof and the proceeds shall form part of the common funds of such municipality.

Closing up and
sale of disused
cemeteries.

2. Public notice of an intention to pass such a by-law shall be previously given by at least six insertions of an advertisement to that effect in a newspaper published in the municipality, or if no newspaper is so published therein a newspaper published in the county town, the first insertion to appear at least six calendar months prior to the passing of such by-law.

Notice of by-
law.

3. A copy of the said by-law certified to be a true copy under the hand of the municipal clerk and the seal of the corporation, may without further proof be registered in the reg-

Registration
of by-law.

istry office for the county or registry division in which such municipality is situated, for the registration whereof the registrar shall be entitled to charge a fee of \$1.

Council may set apart disused cemetery as a park.

4. Instead of selling, the council may by the same or a subsequent by-law set apart such disused and closed cemetery or burial place as and for a public park.

Procedure to close disused cemeteries, title of which is in trustees, private corporations or individuals.

5. It shall be lawful in the case of other old and disused cemeteries or burial places owned by or the title to which is vested in trustees or other private corporations or individuals on the application of the owner or owners thereof, to close such cemeteries or burial places in the following manner and upon the following conditions:—

Judge may make terms and conditions respecting closing and sale.

(1) Upon obtaining an order from the judge or one of the judges of the county or district court of the county or district in which the cemetery is situated permitting the closing or closing and sale of such cemetery, and the judge may in such order make such terms and conditions respecting such closing or the closing and sale, including the disposition, in case of sale, of the proceeds arising therefrom, as he shall deem just and proper, after hearing all parties desiring to be heard.

Notice of closing or sale.

(2) No such cemetery or burial place shall be closed or sold until public notice thereof by advertisement as hereinbefore provided in the case of cemeteries or burial places owned by municipalities, shall have been given, and all parties interested shall have had an opportunity of being heard by such judge.

Fees of judge.

(3) The judge shall be entitled to demand and receive for his own use a fee of \$10, in full for his services in each application under this Act.

Application of act.

6. This Act shall apply only to cemeteries or burying places which have been wholly disused as such for a period of at least five years prior to the date of the commencement of proceedings under this Act to close the same.

Removal of remains, tombstones, etc.

7. Before such disused cemeteries or burial places are finally closed under the terms of the said by-law or judge's order as the case may be it shall be lawful for any person interested to enter upon and to remove to some other cemetery or burial place the remains of deceased persons who have been buried therein, together with all coffins, tombstones, vaults or other memorials therein or thereon.

Conditions of removal.

8. No such removal of remains from such cemeteries or burial places as aforesaid shall take place without the written consent of the local board of health or the local health officer, if any, and in addition such removals as aforesaid shall comply with any other additional regulations in respect of the said subject matter which may hereafter be prescribed by the Provincial Board of Health.

~~17~~9. In any by-law or judge's order passed or made under the provisions of this Act it shall be lawful for the council or the judge, as the case may be, to provide that before such cemetery or burial place is finally closed the parties owning such cemetery or burial place shall at their own expense remove to the nearest public cemetery the said remains, coffin, tombstones, vaults or other memorials as aforesaid to plots or ground therein to be furnished and provided for such purpose by the relatives or others interested in the said deceased persons, or to make such further or other provision in such by-law or judge's order respecting such removals as may be deemed just and proper under all the circumstances of the case. ^{Council may provide that removal of remains, etc., to be at individual's expense.}

No. 180.

2nd Session, 9th Legislature, 62 Vic, 1899.

BILL.

An Act respecting the closing of disused
Cemeteries.

First Reading,	6th March, 1899.
Second Reading.	9th March, 1899.

*(Reprinted as amended in Committee of
the Whole.)*

Mr. GARROW.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 181.]

BILL.

[1899

An Act respecting Town Councils.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

The Municipal Act is amended by inserting therein the
5 following as section 128a : Rev. stat.
c. 223
amended

128a.—(1) Where in any town, township or village the coun-
cillors are to be elected by general vote under the provisions
of this Act, the clerk or other returning officer shall call for
nominations separately to office as First Councillor, Second
10 Councillor, and so on until the number of Councillors to be
elected is complete. Election of
one or more
councillors
separately

(2) Should only one candidate for any office as Councillor
be proposed then the clerk or other returning officer or chair-
man, shall after the lapse of one hour from the time fixed for
15 holding the meeting declare the candidate duly elected to that
office, but if more than one candidate is nominated for any
office as councillor the clerk or other returning officer or chair-
man shall adjourn the proceedings for filling such office until
the first Monday in January as hereinbefore provided. Election of
one or more
candidates by
acclamation.

No. 181.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting Town Councils.

First Reading, 7th March, 1899.

MR. SMITH.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting Local Improvements undertaken
by Municipal Councils.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1.—(1) In the case of any work hereafter undertaken by
5 a municipal corporation under the provisions of section 664
and the following sections of *The Municipal Act* relating to
improvements to be paid for by local rate not more than two-
thirds of the cost of such work shall be chargeable in any case
against the property immediately benefited thereby as pro-
10 vided by the said sections of *The Municipal Act*, and the
remainder of the cost of such improvement shall be chargeable
to the municipality generally and shall be assessed and levied
upon the whole rateable property of the municipality and col-
lected in the same year in which the improvement is made.

Municipality
to be at least
one-third of
the cost of
local improve-
ments.

15 (2) The proportion of such cost chargeable to the munici-
pality generally shall be in lieu of the amount chargeable to
the municipality for work at street intersections, flankage
allowances and all other sums and allowances for which the
corporation would otherwise be liable under any of the said
20 sections relating to the construction of works as local improve-
ments.

2.—(1) The county council of any county or union of coun-
ties upon the application of the owner or owners of lands
wholly used for farming purposes lying within the limits of

Separating
farm lands
from towns
and villages.

any town or incorporated village situate in the county may by by-law withdraw such lands, or any portion thereof, from the said town or village, and annex the same to some adjoining municipality, upon such terms as may have been agreed upon between the council of such adjoining municipality and that 5 of the said town or village and the owners of the said lands, or in case of dispute upon such terms as may have been determined by the county judge, whose award shall be final.

New limits to
be defined.

(2) The by-law shall define, by metes and bounds the new limits intended for such town or village, but the town or vil- 10 lage shall not by such change of boundaries be reduced in population below the number of 750 souls.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting Local Improvements
undertaken by Municipal Councils.

First Reading, 7th March, 1899.

Mr. STRATTON.

TORONTO.

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 106 of *The Assessment Act* is hereby repealed. Rev. stat.
c. 224, s. 106
subs. 2 repealed.

2. Section 60 of *The Assessment Act* is hereby repealed and the following section substituted therefor. Rev. stat.
c. 224
s. 60 repealed.

60.—(1) In cities, towns, townships or villages, the Council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable. Requiring
taxes to be
paid into office
of treasurer or
collector.

Payment by
instalments.

20 (2) The Council may also by by-law allow a discount for the payment of such taxes or any class, or of any instalment thereof on or before a day or days therein named and may impose an additional percentage charge for non-payment of Discount on
punctual pay-
ment of taxes.

such taxes or any class of taxes or of any instalment thereof by a day or days named in such by-law, provided that no greater percentage charge than five per cent. shall be imposed on any instalment of taxes or on the aggregate amount of taxes; and such additional percentage charge shall be added 5 to such unpaid tax or assessment rent or rate or instalment thereof and shall be collected by the collector or otherwise, as if the same had been originally imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof. 10

Notice as to
time and mode
of payment.

(3) In case a by-law shall be passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 134 of this Act on which shall be written or printed a concise statement of the time and manner 15 of payment and of the discount allowed or percentage charge imposed, if any, and at any time within fourteen days after such notice shall first have been given, in accordance with section 134 of this Act, any person may take advantage of the provisions of such By-law as to payment by instalments or 20 with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be.

No. 183.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Assessment Act.

First Reading, 7th March, 1899.

MR. STRATTON.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 184.]

BILL.

[1899.]

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario) enacts as follows:—

1. Sub-section 1 of section 6 of *The Ditches and Water-* Rev. Stat., c. 285, s. 6, s.-s. 1
courses Act is repealed and the following is substituted therefor: repealed.

(1) The lands, the owners of which may be made liable for the construction of a ditch or drain under this Act, shall be those lying within a distance of seventy-five rods from the sides and point of commencement of the proposed ditch or drain. Except in case the proposed ditch or drain is a continuation of a ditch or drain already constructed, or will receive water from drains already constructed, for a greater distance than seventy-five rods from the point of commencement, or sides of the proposed ditch or drain--then the lands situated at a greater distance than seventy-five rods as aforesaid shall be liable and may be charged to the extent of a just and reasonable amount for the construction of a ditch or drain to convey the water brought down by such ditch or drain already constructed, to a sufficient outlet.

Land which may be made liable for construction of ditch.

No. 184.

2nd Session, 9th Legislature, 62 Viet., 1899

BILL.

An Act to amend The Ditches and Water-
courses Act.

First Reading, 7th March, 1899.

Mr. MCKAY.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 185.]

BILL.

[1899.

An Act to amend The Street Railway Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 18 of *The Street Railway Act* is amended by
5 adding thereto the following subsection :

Rev. Stat. c.
208, s. 18
amended.

“(2a) The Company, when operating any portion of its line
by means of electricity, shall use on the front of each car used
by such company a proper and sufficient life saving tender to
prevent any person being run over by the car if such person
10 falls in front thereof, or is struck by the car approaching him.”

Fenders to be
used on
electric cars.

2. Subsection 3 of the said section 18 is repealed.

Rev. Stat. c.
208, s. 18, subs
3, repealed.

3. Section 19 of the said Act is amended by adding at the
end thereof the following words : “And the company shall
pay to the corporation of the municipality in which said road
15 is operated the sum of \$100, for each day in which such rail-
way is being operated within such municipality without having
such ground wires provided, and a like sum of \$10 per car for
each day in which any car is operated within such municipality
without having such fender constructed thereon, such sum or
20 sums to be recovered from the said company in a civil action.”

Rev. Stat. c.
208, s. 19,
amended.

Penalty for
operating
without
ground wires.

4. In case any street railway electric or other railway has
been heretofore, or shall hereafter be, constructed in any mun-
icipality under an agreement with the council thereof or of the

Agreements
with compan-
ies to enure for
benefit of
municipality
owning road.

council having the control of any road, street or highway therein, and the locality, or any part of the locality in which said road has been, or is constructed, is subsequently to the making of such agreement, removed from one municipality to another, or the road, street or highway along which the said street railway has been or shall be constructed has ceased to be owned or controlled by one municipality or the council thereof, or by any council having the control of such road, street or highway, and has become vested in or has been placed under the control of another municipality or the council thereof, then the agreement shall be continued in force as if made with the council of such last mentioned municipality, and the corporation of such last mentioned municipality and any other officer or person designated by by-law thereof shall be substituted for and shall have all the rights and may exercise all the powers and be subject to the same duties as the municipal corporation party to such agreement and any officer or person named therein and charged with the performance of any duty thereunder.

Rev. Stat. c.
208, s. 46, subs.
1, amended.

5. Subsection (1) of section 46 of the said Act is amended by substituting the words and figures "18 and 19" for the words "and 18" in the fourth line thereof.

Filling in
tracks and
keeping them
flush with the
highway.

6. Unless the municipal corporation having the control of any highway over which a street railway, electric railway or other railway is operated has agreed to construct and maintain and keep in repair that portion of the highway over which the railway is carried every street railway, electric railway or other railway company heretofore or hereafter incorporated shall wherever the railway of the company is operated along a highway keep the space between the rails of the tracks filled up with cinders or gravel and the crossing of every culvert or ditch boarded over, and shall keep the rails flush with the remaining portion of the highway, and the said space between the rails shall at all times be maintained by the company in such condition as to be suitable for use by persons travelling on bicycles and unless the council of the municipality otherwise provide by by-law the said space shall not be used except by foot-passengers and bicyclists.

Application
of Act.

7. This Act shall apply to every street railway, electric railway or other railway company heretofore or hereafter incorporated, and to every agreement contract or by law heretofore or hereafter made, entered into or passed by any municipal corporation respecting the use by such company of highways owned or under the control of such municipal corporation whether the company was or shall be incorporated in a general Act or under a special Act, and the powers conferred upon such company by any such general or special Act shall in all cases be subject to the provisions of this Act

No. 185.

2nd Session, 9th Legislature 62 Vict., 1899.

BILL.

An Act to amend The Street Railway Act.

First Reading, 7th March, 1899.

MR. HULL.

TORONTO:

PRINTED BY I. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 186.]

BILL.

[1899.

An Act to amend the Act respecting Gas and Water Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 59 of chapter 199 of the Revised Statutes of Ontario, 1897, respecting gas and water companies, is hereby amended by striking out the words “on and after the 10th day of March, 1882” in the fourth line thereof. Rev. Stat.
c. 199, s. 59,
amended.
2. Sections 64 and 65 of the said Act are repealed. Rev. Stat. c.
199, ss. 64, 65,
repealed.
3. Section 67 of the said Act is hereby amended by striking out the figures “66” in the first line of said section and inserting the figures “64” in lieu thereof. Rev. Stat.
c. 199, s. 67,
amended.

No. 186.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act respecting Gas
and Water Companies.

First Reading, 8th March, 1899.

MR. MACNISH.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to improve the Laws respecting High
Schools.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Sub-section 5 of section 2 of *The High Schools Act* is
5 amended by adding the following,—

“ Or whose parents or guardians are assessed for an amount
equal to the average assessment of the ratepayers of the
county.”

Rev. Stat.
c. 293, s. 2,
subs. 5,
amended.

2. Subsection 1 of section 10 of the said Act is repealed
10 and the following substituted therefor :—

10.—(1) In every High School, subject to the conditions in
subsection (2) hereinafter set forth and subject to the regulations
of the Education Department, instruction shall be given in
the following courses of study : (1) A general course consisting
15 of advanced instruction in the ordinary branches of an English
education. (2) A commercial course consisting of book-keeping
and commercial transactions, business forms and usages. Steno-
graphy and typewriting may be taken at the option of the
trustees. (3) A science course consisting of the elements of
20 physics and chemistry in their relation to the productive in-
dustries of the Province. (4) A course in agriculture consist-
ing of the chemistry of the soil, the botany of the farm and

Rev. Stat.
c. 293, s. 10,
subs. 1,
repealed.
Curriculum
for high
schools.

garden, entomology and the elements of geology and mineralogy and (5) an artizan course, consisting of free hand, model and mechanical drawing and decorative designs. (6) A teacher's course, consisting of such subjects not included in the preceding courses as may be prescribed by the Education Department for teachers' non-professional certificates. (7) A matriculation course consisting of such subjects as may be prescribed for matriculation into the University of Toronto

Advanced education in English to be obligatory.

(2) In every High School and Collegiate Institute advanced instruction shall be obligatory in the ordinary branches of an English education, hereinbefore designated as the General Course, and in so many of the other courses mentioned in the preceding subsection as the trustees of each high school may, at a special meeting of the board to be held in the last quarter of each academic year, deem expedient.

Rev. Stat. c. 293, s. 12, subs. 5, amended. Trustees on Board of Education representing separate schools.

3. Sub-section 5 of section 12 of the said Act is amended by adding the following:—

"Provided always, that in the case of a Board of Education, the trustees appointed under this subsection shall not take part in any of the proceedings affecting the Public School."

Rev. Stat. c. 293, s. 32, amended.

4. Section 32 of the said Act is amended by adding thereto the following subsection:—

Adjusting liability for maintenance of county pupils.

(8) In adjusting the liability of the municipal corporation of the county for the maintenance of county pupils in attendance at any High School situated in a city or in a town separated from the county, the county judge shall make such deductions from the amount for which such county is liable for maintenance in such cases as would equitably represent the average rate paid by other High School districts in the county for the maintenance of county pupils.

Rev. Stat. c. 293, s. 36, subs. 2, amended. By-laws of united counties respecting fees of county pupils.

5. Sub section 2 of section 36 of the said Act is amended by adding thereto the following:—

"The county council of such united counties shall also have power to pass a by-law to provide that all pupils of one of the united counties who attend a High School in another county of said united counties, shall be deemed 'non-resident' pupils, and liable to pay whatever fees are imposed by the High School Board, and the cost of their maintenance shall not be a charge on the united counties, as in the case of 'county pupils.'"

Rev. Stat. c. 293, s. 39, subs. 2, amended. Board of examiners in unorganized districts.

6. Sub-section 2 of section 39 of the said Act is amended by adding thereto the following:—

"In the unorganized districts (except in a municipality having a High School), the Board of Examiners at each examination centre shall consist of the Public School Inspector and two teachers appointed under such Regulations as may be prescribed by the Education Department."

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to improve the Laws respecting
High Schools.

First Reading, 8th March, 1899.

Mr. Ross.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 187]

BILL.

[1899

An Act to improve the Laws respecting High Schools.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1 Sub-section 5 of section 2 of *The High Schools Act* is amended by adding the following,—

Rev. Stat.
c. 293, s. 2,
subs. 5,
amended.

“Or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers of the county.”

2. Subsection 1 of section 10 of the said Act is repealed and the following substituted therefor:—

Rev. Stat.
c. 293, s. 10,
subs. 1,
repealed.
Curriculum
for high
schools.

10.—(1) In every High School, subject to the conditions in subsection (2) hereinafter set forth and subject to the regulations of the Education Department, instruction shall be given in the following courses of study: (1) A general course consisting of advanced instruction in the ordinary branches of an English education. (2) A commercial course consisting of book-keeping and commercial transactions, business forms and usages. Stenography and typewriting may be taken at the option of the trustees. (3) A science course consisting of the elements of physics and chemistry in their relation to the productive industries of the Province. (4) A course in agriculture consisting of the chemistry of the soil, the botany of the farm and

garden, entomology and the elements of geology and mineralogy and (5) an artizan course, consisting of free hand, model and mechanical drawing and decorative designs. (6) A teacher's course, consisting of such subjects not included in the preceding courses as may be prescribed by the Education Department for teachers' non-professional certificates. (7) A matriculation course consisting of such subjects as may be prescribed for matriculation into the University of Toronto.

Advanced
education in
English to be
obligatory.

(2) In every High School and Collegiate Institute advanced instruction shall be obligatory in the ordinary branches of an English education, hereinbefore designated as the General Course, and in so many of the other courses mentioned in the preceding subsection as the trustees of each high school may, at a special meeting of the board to be held in the last quarter of each academic year, deem expedient.

Rev. Stat.
c. 293, s. 12,
subs. 5,
amended.
Trustees on
Board of Edu-
cation repre-
senting separ-
ate school/s.

3. Sub-section 5 of section 12 of the said Act is amended by adding the following:—

“Provided always, that in the case of a Board of Education, the trustees appointed under this subsection shall not take part in any of the proceedings affecting the Public School.”

4. Sub-section 6 of section 31 is amended by adding thereto the following:—But nothing herein contained shall prevent the trustees of any High School in a city or in a town separated from the county from entering into an agreement with a county council for the admission of county pupils to such High School on such terms as to fees for tuition or charges for maintenance as may be deemed expedient.

Rev. Stat.
c. 293, s. 32,
amended.

5. Section 32 of the said Act is amended by adding thereto the following subsection:—

Adjusting
liability for
maintenance
of county
pupil.

(8) In *determining* the liability of the municipal corporation of the county for the maintenance of county pupils in attendance at any High School situated in a city or in a town separated from the county, the county judge shall deduct from the amount for which the county is liable for maintenance an amount equal to the average sum paid by all the other High School districts in the county as a county rate for High School purposes.

Rev. Stat.
c. 293, s. 36,
subs. 2,
amended.
By-laws of
united coun-
ties respecting
fees of county
pupils.

6. Sub-section 2 of section 36 of the said Act is amended by adding thereto the following:—

“The county council of such united counties shall also have power to pass a by-law to provide that all pupils of one of the united counties who attend a High School in another county of said united counties, shall be deemed ‘non-resident’ pupils, and liable to pay whatever fees are imposed by the High School Board, and the cost of their maintenance shall not be a charge on the united counties, as in the case of county pupils.”

7. Sub-section 2 of section 39 of the said Act is amended by adding thereto the following:—

Rev. Stat.
c. 293, s. 39,
subs. 2,
amended.
Board of ex-
aminers in un-
organized
districts.

“ In the unorganized districts (except in a municipality having a High School), the Board of Examiners at each examination centre shall consist of the Public School Inspector and two teachers appointed under such Regulations as may be prescribed by the Education Department.”

8. The municipal council of every town in any judicial or territorial district may by by-law impose a fee not exceeding \$1 per month according to daily average attendance on all pupils of such town attending a High School in any other municipality in the same judicial or territorial district, and the amount of the fees so imposed shall be deducted from the liability of such town for the maintenance of High School pupils.

No. 187.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to improve the Laws respecting
High Schools.

First Reading, 8th March, 1899.

*(Reprinted for the consideration of Com-
mittee of the whole House)*

MR. ROSS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 188.]

BILL.

[1899.]

An Act to amend The Municipal Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 7 of section 9 of *The Municipal Drainage Act* is repealed, and the following substituted therefor: Rev. Stat. c. 226, s. 9, s. 8. 7, repealed.

7. Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall, by letter or postal card, notify the parties assessed of such assessment and the amount thereof. In case more than one municipality is interested in the proposed work, the clerk of such other municipality or municipalities shall forthwith, upon the filing of a copy of the engineer's report in their office, notify the parties assessed of such assessment and the amount thereof. Notice to persons assessed.

No. 188.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 8th March, 1899.

Mr. McKAY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty

Bill 189.]

BILL.

[1899.]

An Act to amend the Act respecting County Judges
and the Local Courts.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

Sub-section 5 of section 5 of the *Local Courts Act* is amended by inserting after the word "Haliburton" in the sixth line of said sub-section, the words "nor to the Counties of Lambton or Oxford".

Rev. Stat.
c 54, s. 5,
sub s. 5,
amended.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act respecting County
Judges and the Local Courts.

First Reading, 8th March, 1899.

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act allowing Municipalities to adopt Proportional Representation.

WHEREAS it is expedient to enable certain cities, towns, villages and townships to adopt proportional representation for the election of alderman and councillors :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be known and cited as the *Proportional Representation Act, 1899.* Short title

2. In every city, town, village and township where the council is elected by a general vote, the council of such city, town, village or township may pass a by-law providing for the adoption of proportional representation in the election of alderman of such city, or councillors of such town, village or township, by any method that will result in the election of any qualified candidate who obtains at the election a quota of valid votes, the said quota being found by dividing into the number of valid votes the number of councillors or aldermen to be elected, ignoring fractions, if any; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 338 and following sections of *The Municipal Act.*

By-law for
adoption of
proportional
representation

Rev. stat
c. 223.

Provisions of
by-law.

3. Any council providing by such by-law for the said elections upon said principle of proportional representation shall adopt the system of voting by ballot and all other provisions of the said *Municipal Act* for the election of such aldermen and councillors, so far as the same can be made for the purpose operative; and it shall be competent for the said council in their said by-law to supplement the said provisions by such further directions and provisions as may be found desirable and necessary efficiently to carry out the method adopted for electing such aldermen or councillors in accordance with said principle of proportional representation.

Filling
vacancies.

4 It shall be competent for any such council by such by-law to provide for vacancies as follows:

(a) A vacancy may be filled or left unfilled.

(b) A vacancy may be filled by declaring elected the candidate who at the last general election received the highest number of votes next after the elected candidate receiving the lowest number of votes.

(c) Other vacancies may be filled in like manner by taking the candidates in the order of their number of votes from the remaining highest to lowest.

(d) Or vacancies may be filled by a new election for the whole city, town, village or township.

Modes of
marking
ballots.

5. Any municipal council may, whether adopting proportional representation or not, provide by by-law for the use at the election of any municipal officer such as mayor, warden, reeve, councillor or alderman, wherein only one office is to be filled and wherein only one candidate can be elected, of a preferential ballot that will enable, in the event of more than two candidates running for such office, electors to designate their choice not only by marking their ballot for the candidate firstly desired and the elector's first choice, but in such a way as to designate second and subsequent choices, in the alternative event of the first choice having been unsuccessful; and for such purpose may provide for the utilization of such votes cast for an unsuccessful candidate by a re-distribution of them after dropping such candidate in process of counting, after the manner of the Hare-Spence system or such other system as may be deemed by said council most effectual for the purpose.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act allowing Municipalities to adopt
Proportional Representation.

First Reading, 8th March, 1899.

Mr. RUSSELL.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 191.]

BILL.

[1899.

An Act to amend the Act respecting the establishment of Municipal Institutions in Territorial Districts.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section 2 of section 1 of chapter 225, of the Revised
5 Statutes of Ontario, 1897, is amended by adding after the word “persons” in the seventh line thereof the following words:—

Rev. Stat.
c. 225, s. 1,
sub-s. 2,
amended.

“And any township heretofore incorporated in any such union municipality having a population of less than fifty per-
10 sons may upon the petition of any ratepayer or person owning lands in said township, to the Lieutenant-Governor in Council have said township withdrawn from said union municipality upon such terms as the Lieutenant-Governor in Council may direct, and the said union or organization of municipalities
15 may be wholly dissolved or the limits thereof specified if the Lieutenant-Governor in Council deem it expedient to so determine.”

Withdrawal
of township
from union
municipality.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend the Act respecting the
establishment of Municipal Institutions
in Territorial Districts.

First Reading, 8th March, 1899.

Mr. PARDEE.

TORONTO.

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 192.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 484 of *The Municipal Act* is amended by adding
5 thereto the following as sub-section (6)

Rev. Stat. c.
223, s. 484
amended.

(6) The council of any city in which there is no board of
commissioners of police shall have and may exercise by by-law
all the powers conferred upon the board of commissioners of
police by this section.

When council
of city may ex-
ercise powers
of police com-
missioners.

No. 192.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 8th March, 1899.

Mr. MACNISH.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 193.]

BILL.

[1899.]

An Act to amend The Liquor License Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

Sub-section 1 of section 13 of *The Liquor License Act* is
5 amended by adding after the word "tavern" at the end of the
fourth line thereof the words "or shop."

Rev. Stat. c.
245, s. 13, s.-s.
1 amended.

Renewal of li-
censes in resi-
dential locali-
ties.

No. 193.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Liquor License Act.

First Reading, 8th March, 1899.

Mr. MARTER.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the law with respect to Compensation of Workmen.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as *The Workmen's Compensation* Short title.
5 *for Injuries Act, 1899.*

2. Where the machinery or other plant or works of or in a factory, or any part of such machinery, plant or works through or by reason of which the injury complained of was inflicted or occasioned or alleged to have been inflicted or
10 occasioned, is or are, by *The Ontario Factories Act* or any other Act of the Provincial Legislature, or of the Parliament of Canada, required to be covered, guarded, protected or
15 suitably enclosed in whole or in part; Burden of proof.

(a) Or is required by any of the Acts aforesaid to be of a special or particular kind or quality or to be kept in a particular or specified state or condition;

(b) Or where dangerous structures or places or openings in or in connection with a factory are required by law to be kept securely guarded or protected or
20 suitably enclosed as far as practicable, or to be kept in some particular state or condition, or that facilities for so keeping them or any of them shall be provided;

Rev. Stat. c.
266.
Rev. Stat. c.
160.

(c) Or where any part of a railway or railway track or railway bridge or other structure is required to be of a certain kind or character or to be constructed or kept by the company in any particular or specified way or manner as provided or contemplated by *The Railway Accidents Act* or by *The Workmen's Compensation for Injuries Act* or by any other Act of the Provincial Legislature, or of the Parliament of Canada;

then upon any trial or arbitration under *The Workmen's Compensation for Injuries Act* or this Act for the recovery of damages for injury to a workman arising out of the neglect or alleged neglect on the part of the person or company required to keep the said machinery, buildings, structures, dangerous places, and railway track or structures in such a state, condition or manner or of the kind, character or quality as aforesaid and as is provided or contemplated by said Acts respectively, and it is or becomes material to the issue on the trial or arbitration, the onus of proving that the same were so kept or in such condition or that facilities were provided for so keeping the same as the case may be or as the Act or Acts require, shall be upon the party to the action whose duty it was under any of the said Acts to so keep the said machinery, works, plant, dangerous places or any part thereof, or railway tracks or works and structures or any part thereof as by the said Acts or any of them is required or provided.

Settlement of
claims under
Rev. Stat. c.
160 by arbitration.

3. Notwithstanding anything in *The Workmen's Compensation for Injuries Act*, chapter 160 of the Revised Statutes, 1897, contained, except where the claim is in respect of an injury resulting in death, all claims for damages under the said Act may be disposed of by arbitration as herein provided.

Notice of arbitration.

4.—(1) In case a workman claiming compensation for injuries under *The Workmen's Compensation for Injuries Act*, and this Act desires to proceed by arbitration under this Act, he shall within four months from the date upon which such injuries were sustained serve a notice (Form 1) upon the person or persons whom he claims to be liable, stating that his claim will be submitted to arbitration unless notice of objection is given as hereinafter provided.

Notice of objection.

(2) If an employer objects to an arbitration he shall serve notice (Form 2) that at a time therein named, which shall not be more than eight days from the date thereof, he will apply to a judge of the High Court in Chambers for an order that any proceedings in respect of the said injuries shall be by action as heretofore and not by arbitration. The judge on hearing such application may direct that proceedings are to be carried on by action on any of the following grounds:—

(a) If he finds that difficult questions of law not already judicially determined are likely to arise during the proceedings, or

(b) If it is made to appear that complicated questions of fact, difficult of determination, are likely to arise on the arbitration, or

(c) If the county judge is for any reason or cause disqualified, and there is no junior judge.

5 (3) The judge may by such order extend the time for commencing an action as he may deem proper. Extension of time. Unless notice of objection as aforesaid is given, within ten days after the service on him of a notice of arbitration under sub-section 1, the
10 employer shall be deemed to consent to an arbitration.

5.—(1) In case the proceedings are to be by way of arbitration the claimant shall obtain an appointment from the judge of the county court of the county in which he resides, or in which the injury was received, and shall serve a copy of such
15 appointment upon the respondent, together with a notice (Form 3) of the time so appointed. The judge by the said appointment shall name a day, hour and place, for proceeding with the hearing and such day shall be fixed with a view to as early a disposal of the case as appears practicable. Arbitration proceedings.

20 (2) In case the claimant does not proceed with the arbitration with reasonable speed the respondent may obtain an appointment from the county judge to have the case heard and disposed of at a time to be named in such appointment. The respondent shall serve a copy of the appointment on the
25 claimant and on proof of such service the judge may at the time so appointed proceed with the hearing or make such disposal of the matter as may appear just. Right of respondent to expedite proceedings.

6. When an order is made directing that the liability of the respondent to pay compensation to the claimant shall be determined by action as heretofore, all proceedings upon
30 the arbitration shall be stayed upon the filing of the order with the Clerk of the County Court and service thereof upon the claimant. The claimant if he desires to proceed shall do so by action in the usual way. Proceedings to be stayed.

35 7. Within eight days after the notice to the respondent of the day upon which the arbitration will be proceeded with the respondent shall file with the Clerk of the County Court his statement of defence (Form 4) in which he may set up any defence which would be open to him upon the trial of an action in the High Court, and shall serve a copy thereof upon
40 the applicant. Statement of defence.

8.—(1) In case the County Court Judge is for any reason disqualified from acting or in case he desires not to act he may request some other County Court Judge to act for him, and
45 the Judge acting on such request shall have all the jurisdiction conferred by this Act; and no act of such judge shall be Judge of another county may act on request.

open to question on the alleged ground that he was not the proper judge to perform the duty or that the same had not been regularly or otherwise assigned to him or had not been performed at such request or by such direction as the law requires.

(2) When an application is made to a judge of the High Court in Chambers under section 4, such judge shall have power to direct that a county court judge of another county shall hear the arbitration, and in such case the travelling expenses of the judge of such other county may be paid out of any moneys appropriated by the Legislature for that purpose.

Pleadings
limited.

9. No pleadings or documents in the nature of pleadings shall be necessary in case the matter is proceeded with by arbitration under this Act other than the notice of arbitration and the statement of defence hereinbefore mentioned.

Witnesses and
evidence.

10.—(1) In any proceedings under this Act the judge of the county court may compel the attendance of witnesses and the production of documents in the same manner and to the same extent as in an action in the county court and shall possess the same powers in respect of all such proceedings as he would possess in an action in the county court and the claimant or respondent shall have the same right to examine the opposite party for discovery or otherwise and the judge shall have the same power to direct the examination of witnesses by commission as in an action in the county court as aforesaid.

(2) Subpœnas for witnesses may be issued out of the county courts upon proceedings as in ordinary cases.

Employment
of shorthand
reporter.

11. In any case if the parties so desire or the judge so directs the evidence may be taken by a shorthand writer. The cost of such shorthand writer shall be borne by the parties equally unless the judge otherwise directs, and copies of evidence shall be paid for on the scale allowed to special examiners in proceedings in the county court.

Referring
questions of
law.

12. The judge of the county court may if he thinks fit submit any question of law for the decision of a judge of the High Court in chambers or single court and the decision of such judge on any question of law, so submitted, shall be final.

Costs.

13. The costs of and incidental to the arbitration and proceedings connected therewith shall be on the scale allowed in actions in the county court and shall be subject to taxation in the same manner. Costs in all cases shall be in the discretion of the judge.

Effect of
award.

14. The judge of the county court shall make his award in writing (Form 5), and upon the filing of the same with the

clerk of the county court it shall become and be a county court judgment and execution may be issued thereon in the same manner as on a judgment in an action.

Agreement as to compensation.

15 Where the amount of compensation payable under *The Workmen's Compensation for Injuries Act* has been ascertained by agreement between the parties a memorandum of such agreement shall be delivered or sent by registered letter to the clerk of the county court, who shall, on being satisfied as to its genuineness record such memorandum in a special register for a fee of \$1 and thereupon such memorandum shall for all purposes become and be a county court judgment and shall be enforceable as a judgment:

Provided that the judge of the county court may at any time rectify such register.

Duties of judges and officers of courts.

15 16. The duties by this Act imposed upon the judge of the county court and upon the clerk and other officers of such court shall be part of their duties as officers of the county court, and no fees shall be payable to the judge except a fee of \$10 in connection with any arbitration, or to any officer of the court in respect thereof other than the ordinary fees in a county court action as for similar work, and any sum awarded or agreed upon as compensation shall be paid on receipt of the person to whom it is payable under any agreement or award, and his solicitor or agent shall not be entitled to recover from him or to claim a lien on or to deduct any amount for costs from the said sum awarded except such sum as may be awarded by the judge of the county court on an application (Form 6) made by either party to determine the amount of costs to be paid to the said solicitor or agent, such sum to be awarded subject to taxation if the judge so directs.

Lien on sum awarded.

17.—(1) Any party to an arbitration under this Act may appeal from the decision of the arbitrator to a divisional court of the High Court of Justice, and sections 50 to 57 of the revised statute respecting county courts shall, so far as applicable, apply to such appeals.

Appeal.

(2) The court shall also have power, on hearing any such appeal, to remit the matter for the re-consideration of the judge of the county court.

18.—(1) The judges of the Supreme Court and of the High Court respectively shall have the same authority to make rules of court with respect to proceedings under this Act, as by sections 122 and 124 of *The Judicature Act* they have with respect to the High Court; and the judges authorized as mentioned in section 125 of that Act shall have the like authority.

Rules.

(2) Until provision is made in that behalf in any matters which are unprovided for by this Act, the rules of practice applicable to proceedings in the County Court shall be followed.

Practice in cases unprovided for.

Amount
recoverable.

19. In any arbitration under this Act the claimant shall not be limited to the amount recoverable in a county court action but may recover the same amount as is provided in case of actions under *The Workmen's Compensation for Injuries Act*.

5

Arbitration
optional.

20. Nothing in this Act contained shall oblige a claimant to proceed by way of arbitration, but any claimant may bring an action if he deems fit.

Rev. Stat.
c. 62 not to
apply.

21. *The Arbitration Act* shall not apply to an arbitration under this Act.

10

FORM 1.

Notice of Arbitration by an Injured Workman with Respect to the
Compensation Payable to Him.

In the County Court of the County of

In the matter of *The Workmen's Compensation for Injuries Act, 1899*.

Between

A. B.

Applicant,
and

C. D. & Co., Limited,

Respondents.

Take notice that A. B. proposes to submit to arbitration his claim for compensation under the said Act, in respect of personal injury caused to him by accident arising out of and in the course of his employment.

If you object to an arbitration you are to notify A. B. of such objection within eight days from the service of this notice upon you otherwise you will be deemed to have assented to such arbitration and the same will be proceeded with at such time as may be appointed by the judge of the county court of the county of _____, the arbitrator in this matter.

Particulars are hereto appended (or annexed).

PARTICULARS.

1. Name and address of injured workman.
2. Name, place of business and nature of business of respondents.
3. Nature of employment of workman at time of accident, and whether employed under respondents or under contractors with them. (If employed under contractors, who are not respondents, name and place of business of contractors to be stated).
4. Date and place of accident, nature of work on which workman was then engaged, and nature of accident and cause of injury.
5. Nature of injury.
6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.
7. Average weekly earnings during the 12 months previous to the injury, if the workman had been so long employed under the same employer, or, if not, during any less period during which he had been so employed.

8. Estimated average amount which the workman is able to earn after the accident.

9. Payments not being wages received from employer in respect of the injury during the period of incapacity.

10. Amount claimed as compensation.

11. Date of service of statutory notice of accident on respondents. (A copy of the notice to be annexed.)

12. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :

Of the applicant,

Of his solicitor,

The names and addresses of the respondents to be served with this application :

Dated this day of

(Signed),

Claimant.

Or

Claimant's Solicitor.

FORM 2.

Notice of objection to Arbitration.

(Heading as in Notice of Arbitration.)

Take notice, that a motion will be made before the presiding Judge in Chambers at Osgoode Hall, Toronto, on the day of next, at the hour of o'clock in the forenoon, or so soon thereafter as the application can be heard, for an order directing that any proceedings in this matter be by action and not by arbitration. The application is made on the following grounds :

(Here state grounds.)

FORM 3.

Notice to Respondent of Day Upon which Arbitration will be Proceeded with.

(Heading as in Notice of Arbitration.)

TAKE NOTICE : That the Judge of this Court will proceed with the arbitration herein, at on the day of at the hour of o'clock in the noon ; and that if you do not attend either in person or by your solicitor at the time and place above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

And further take notice that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the particulars are in any respect inaccurate or incomplete, or desire to bring any fact or

document to the notice of the judge, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge, and a copy for the applicant and for each of the other respondents, must be filed with the Clerk of the Court 5 clear days at least before the day of

If no answer is filed, and subject to such answer, if any, the particulars and your liability to pay compensation will be taken to be admitted.

Dated this day of

To

Of
(Signed),

Claimant.

or

Claimant's Solicitor.

FORM 4.

ANSWER BY RESPONDENTS.

(Heading as in Notice of Arbitration.)

Take notice that the respondents, C. D. & Co., Limited, intend, at the hearing of the arbitration, to give in evidence and rely on the following facts :—

That no notice of the alleged action was given to the respondents as required by section 13 of the said Act ;

That the claim for compensation with respect to the alleged accident was not made within twelve weeks from the occurrence of the accident ;

or

That the respondents, C. D. & Co., Limited, deny their liability to pay compensation under the above mentioned Act in respect of the injury to A. B., mentioned in the Claimant's particulars, and that the grounds on which they deny their liability are :—

That the employment of the said A. B. was not an employment to which the said Act applies ;

or

That the said injury to the said A. B. was not caused by accident arising out of and in the course of his employment ;

or

Any other ground of defence.

FORM 5.

AWARD.

In case of application by workman.

(Heading as in Notice of Arbitration.)

Having duly considered the matters submitted to me, I do hereby make my award as follows :—

1. I order that the respondents, C. D. & Co., Limited, do pay to the claimant, A. B., the sum of _____ as compensation for personal injury caused to the said A. B., on the _____ day of _____, by accident arising out of and in the course of his employment as a workman employed by the said C. D. & Co., in (state nature of employment).

2. And I order that the said C. D. & Co. do pay to the clerk of this court, for the use of the claimant, his costs of and incident to this arbitration such costs in default of agreement between the parties as to the amount thereof, to be taxed by the clerk _____ on the scale of costs in use in the county courts, and to be paid by the said C. D. & Co. to the clerk within 14 days from the date of the certificate of the result of such taxation.

Dated this _____ day of _____

Judge.

FORM 6.

Notice of Application for Determination of Amount of Costs under section 16.

In the County Court of _____ holden at _____

(Title as in Award or Memorandum.)

TAKE NOTICE : That I intend to apply to the judge at _____ on _____ the _____ day of _____ at the hour of _____ o'clock in the _____ noon, to determine the amount of costs to be paid to me as solicitor (or agent) for you A. B. in the above mentioned matter ; and for an order declaring that I am entitled to a lien for such amount on or to deduct such amount from the sum awarded as compensation to you the said A. B. in the above mentioned matter and for consequential directions.

Dated this _____ day of _____

Applicant.

To the Clerk of the Court
and to
A. B.
of _____

No. 194.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend the law with respect to
Compensation of Workmen.

First Reading, 8th March, 1899.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 194.]

BILL.

[1899.

An Act to amend the law with respect to Compensation of Workmen.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. This Act may be cited as *The Workmen's Compensation Short title. for Injuries Act, 1899.*

~~2.~~ 2. In this Act the word "claimant" shall include the word "plaintiff," and the word "respondent" shall include the word "defendant," and in *The Workmen's Compensation for Injuries Act* the word "plaintiff" shall include the word "claimant," and the word "respondent" shall include the word "defendant," and the words "suit," "action" or "proceeding" where mentioned in *The Workmen's Compensation for Injuries Act* shall include the word "arbitration," and the word "court" or "judge" shall include the word "arbitrator." <sup>Interpreta-
tion.</sup>

3. Where the machinery or other plant or works of or in a factory, or any part of such machinery, plant or works through or by reason of which the injury complained of was inflicted or occasioned or alleged to have been inflicted or occasioned, is or are, by *The Ontario Factories Act* or any other Act of the Provincial Legislature, or of the Parliament of Canada, required to be covered, guarded, protected or suitably enclosed in whole or in part; <sup>Burden of
proof.
Rev. Stat
c 256.</sup>

- (a) Or is required by any of the Acts aforesaid to be of a special or particular kind or quality or to be kept in a particular or specified state or condition ;
- (b) Or where dangerous structures or places or openings in or in connection with a factory are required by law to be kept securely guarded or protected or suitably enclosed as far as practicable, or to be kept in some particular state or condition, or that facilities for so keeping them or any of them shall be provided ;
- (c) Or where any part of a railway or railway track or railway bridge or other structure is required to be of a certain kind or character or to be constructed or kept by the company in any particular or specified way or manner as provided or contemplated by *The Railway Accidents Act* or by *The Workmen's Compensation for Injuries Act* or by any other Act of the Provincial Legislature, or of the Parliament of Canada ;

Rev. Stat. c.
266.
Rev. Stat. c.
160.

then upon any trial or arbitration under *The Workmen's Compensation for Injuries Act* or this Act for the recovery of damages for injury to a workman arising out of the neglect or alleged neglect on the part of the person or company required to keep the said machinery, buildings, structures, dangerous places, and railway track or structures in such a state, condition or manner or of the kind, character or quality as aforesaid and as is provided or contemplated by said Acts respectively, and it is or becomes material to the issue on the trial or arbitration, the onus of proving that the same were so kept or in such condition or that facilities were provided for so keeping the same as the case may be or as the Act or Acts require, shall be upon the party to the action whose duty it was under any of the said Acts to so keep the said machinery, works, plant, dangerous places or any part thereof, or railway tracks or works and structures or any part thereof as by the said Acts or any of them is required or provided.

Settlement of
claims under
Rev. Stat. c.
160 by arbit-
ration.

4. Notwithstanding anything in *The Workmen's Compensation for Injuries Act*, chapter 160 of the Revised Statutes, 1897, contained, except where the claim is in respect of an injury resulting in death, all claims for damages under the said Act may be disposed of by arbitration as herein provided.

Venue for
proceedings
under Act.

5. Proceedings under this Act by way of arbitration shall be begun and carried on in the county where the accident happened or the injury was occasioned."

Applications
to judge of
county court
instead of
judge of high
court in
chambers.

6. If the suit or action is begun in the County Court, all applications may be made to the Judge of the County Court instead of a Judge of the High Court in Chambers, and the Judge of the County Court shall have the same power and

authority as a Judge of the High Court in Chambers in respect of such applications, but the respondent shall not be entitled, where notice of arbitration is given and the amount claimed is within the jurisdiction of the County Court, to apply for an order directing that the proceedings shall be by suit or action.

7.—(1) In case a workman claiming compensation for injuries under *The Workmen's Compensation for Injuries Act*, and this Act desires to proceed by arbitration under this Act, he shall within four months from the date upon which such injuries were sustained serve a notice (Form 1) upon the person or persons whom he claims to be liable, stating that his claim will be submitted to arbitration unless notice of objection is given as hereinafter provided. Notice of arbitration.

(2) If an employer objects to an arbitration he shall within ten days after the service upon him of such notice serve notice (Form 2) that at a time therein named, which shall not be more than eight days from the date thereof, he will apply to a judge of the High Court in Chambers for an order that any proceedings in respect of the said injuries shall be by action as heretofore and not by arbitration. The judge on hearing such application may *in his discretion* direct that proceedings are to be carried on by action on any of the following grounds:— Notice of objection.

- (a) If he finds that difficult questions of law not already judicially determined are likely to arise during the proceedings, or
- (b) If it is made to appear that complicated questions of fact, difficult of determination, are likely to arise on the arbitration, and which should in his opinion be determined in an action and not by arbitration, or
- (c) If the county judge is for any reason or cause disqualified, and there is no junior judge.

(3) The judge may by such order extend the time for commencing an action as he may deem proper. Unless notice of objection as aforesaid is given, within ten days after the service on him of a notice of arbitration under sub-section 1, the employer shall be deemed to consent to an arbitration. Extension of time.

8. Where proceedings are begun by action instead of by notice of arbitration, the defendant may apply to a Judge in Chambers for an order directing that the proceedings shall be taken and carried on by arbitration and not by suit or action. The Judge to whom application is made, if he is of opinion that the cause or causes of action can be more conveniently disposed of by arbitration than by suit or action, and that the same should be disposed of by arbitration rather than by suit or action, shall so order, in which case no further proceedings shall be had in the suit or action but proceedings may be initiated and carried on by way of arbitration. The Judge may dispose of the costs of the suit or action up to the date of the order, or he may direct that such costs shall be in the discretion of the arbitrator. Application by defendant in action to have matter disposed of by arbitration.

Commence-
ment of
action.

Rev. Stat.
c. 160.

Notice of
injury to be
given under
Rev. Stat.
c. 160.

Arbitration
proceedings.

Right of
respondent to
expedite
proceedings.

Proceedings to
be stayed.

Statement of
defence.

Judge of an-
other county
may act on
request.

9. Either the issue of a writ or notice of arbitration under this Act shall be a sufficient commencement of the action and a sufficient compliance with section 9 of *The Workmen's Compensation for Injuries Act* whether the proceedings are afterwards carried on by arbitration or by suit or action.

10. Nothing in this Act contained shall dispense with the notice of injury required to be given under sections 9, 13 and 14 of *The Workmen's Compensation for Injuries Act*.

11.—(1) In case the proceedings are to be by way of arbitration the claimant shall obtain an appointment from the judge of the county court of the county in which he resides, or in which the injury was received, and shall serve a copy of such appointment upon the respondent, together with a notice (Form 3) of the time so appointed. The judge by the said appointment shall name a day, hour and place, for proceeding with the hearing and such day shall be fixed with a view to as early a disposal of the case as appears practicable.

(2) In case the claimant does not proceed with the arbitration with reasonable speed the respondent may obtain an appointment from the county judge to have the case heard and disposed of at a time to be named in such appointment. The respondent shall serve a copy of the appointment on the claimant and on proof of such service the judge may at the time so appointed proceed with the hearing or make such disposal of the matter as may appear just.

12. When an order is made directing that the liability of the respondent to pay compensation to the claimant shall be determined by action as heretofore, all proceedings upon the arbitration shall be stayed upon the filing of the order with the Clerk of the County Court and service thereof upon the claimant. The claimant if he desires *in such case* to proceed shall do so by action in the usual way.

13. Within eight days after the notice to the respondent of the day upon which the arbitration will be proceeded with the respondent shall file with the Clerk of the County Court his statement of defence (Form 4) in which he may set up any defence which would be open to him upon the trial of an action in the High Court, and shall serve a copy thereof upon the applicant.

14.—(1) In case the County Court Judge is for any reason disqualified from acting or in case he desires not to act he may request some other County Court Judge to act for him, and the Judge acting on such request shall have all the jurisdiction conferred by this Act; and no act of such judge shall be open to question on the alleged ground that he was not the proper judge to perform the duty or that the same had not

been regularly or otherwise assigned to him or had not been performed at such request or by such direction as the law requires.

(2) When an application is made to a judge of the High Court in Chambers under section 4, such judge shall have power to direct that a county court judge of another county shall hear the arbitration, and in such case the travelling expenses of the judge of such other county may be paid out of any moneys appropriated by the Legislature for that purpose.

15. No pleadings or documents in the nature of pleadings shall be necessary in case the matter is proceeded with by arbitration under this Act other than the notice of arbitration and the statement of defence hereinbefore mentioned. Pleadings limited.

16.—(1) In any proceedings under this Act the judge of the county court may compel the attendance of witnesses and the production of documents in the same manner and to the same extent as in an action in the county court and shall possess the same powers in respect of all such proceedings as he would possess in an action in the county court and the claimant or respondent shall have the same right to examine the opposite party for discovery or otherwise and the judge shall have the same power to direct the examination of witnesses by commission as in an action in the county court as aforesaid. Witnesses and evidence.

(2) Subpoenas for witnesses may be issued out of the county courts ~~on~~ *præcipe* as in ordinary cases.

17. In any case if the parties so desire or the judge so directs the evidence may be taken by a shorthand writer. The cost of such shorthand writer shall be borne by the parties equally unless the judge otherwise directs, and copies of evidence shall be paid for on the scale allowed to special examiners in proceedings in the county court. Employment of shorthand reporter.

18. The judge of the county court may if he thinks fit submit any question of law for the decision of a judge of the High Court in chambers or single court and the decision of such judge on any question of law, so submitted, shall be final. Referring questions of law.

19.—(1) The costs of and incidental to the arbitration and proceedings connected therewith shall be on the scale allowed in actions in the county court and shall be subject to taxation in the same manner. Costs in all cases shall be in the discretion of the judge. Costs.

~~19.~~(2) The Judge may fix the costs of arbitration or of any other proceedings before him as between the parties instead of directing taxation thereof, and he may also fix the costs as between the solicitor of either party and his client on the application of either. 19.2

Effect of
award.

20. The judge of the county court shall make his award in writing (Form 5), and upon the filing of the same with the clerk of the county court it shall become and be a county court judgment and execution may be issued thereon in the same manner as on a judgment in an action.

Agreement as
to compensa-
tion.

21 Where the amount of compensation payable under *The Workmen's Compensation for Injuries Act* has been ascertained by agreement between the parties a memorandum of such agreement shall be delivered or sent by registered letter to the clerk of the county court, who shall, on being satisfied as to its genuineness record such memorandum in a special register for a fee of \$1 and thereupon such memorandum shall for all purposes become and be a county court judgment and shall be enforceable as a judgment:

Provided that the judge of the county court may at any time rectify such register.

Duties of
judges and
officers of
courts.

22. The duties by this Act imposed upon the judge of the county court and upon the clerk and other officers of such court shall be part of their duties as officers of the county court, and no fees shall be payable to the judge except a fee of \$10 in connection with any arbitration, or to any officer of the court in respect thereof other than the ordinary fees in a county court action as for similar work, and any sum awarded or agreed upon as compensation shall be paid on receipt of the person to whom it is payable under any agreement or award, and his solicitor or agent shall not be entitled to recover from him or to claim a lien on or to deduct any amount for costs from the said sum awarded except such sum as may be awarded by the judge of the county court on an application (Form 6) made by either party to determine the amount of costs to be paid to the said solicitor or agent, such sum to be awarded subject to taxation if the judge so directs.

Lien on sum
awarded

Appeal.

23.—(1) Any party to an arbitration under this Act may appeal from the decision of the arbitrator to a divisional court of the High Court of Justice, and sections 50 to 57 of the revised statute respecting county courts shall, so far as applicable, apply to such appeals.

(2) The court shall also have power, on hearing any such appeal, to remit the matter for the re-consideration of the judge of the county court.

Rules.

24.—(1) The judges of the Supreme Court and of the High Court respectively shall have the same authority to make rules of court with respect to proceedings under this Act, as by sections 122 and 124 of *The Judicature Act* they have with respect to the High Court; and the judges authorized as mentioned in section 125 of that Act shall have the like authority.

(2) Until provision is made in that behalf in any matters which are unprovided for by this Act, the rules of practice applicable to proceedings in the County Court shall, ^{Practice in cases unprovided for.} as nearly as may be, be followed.

25. In any arbitration under this Act the claimant shall not be limited to the amount recoverable in a county court action but may recover the same amount as is provided in case of actions under *The Workmen's Compensation for Injuries Act*. ^{Amount recoverable.}

26. Nothing in this Act contained shall oblige a claimant to proceed by way of arbitration, but any claimant may bring an action if he deems fit. ^{Arbitration optional.}

27. *The Arbitration Act* shall not apply to an arbitration under this Act. ^{Rev. Stat. c. 62 not to apply.}

28. This Act shall, in so far as it may be necessary in order to enable the same to be carried into effect, be read with and as part of *The Workmen's Compensation for Injuries Act* where the latter Act is not inconsistent with the provisions of this Act. ^{Act to be read with Rev. Stat. c. 160.}

FORM 1.

Notice of Arbitration by an Injured Workman with Respect to the Compensation Payable to Him.

In the County Court of the County of

In the matter of *The Workmen's Compensation for Injuries Act, 1899.*

Between

A. B.

Applicant,
and

C. D. & Co., Limited,

Respondents.

Take notice that A. B. proposes to submit to arbitration his claim for compensation under the said Act, in respect of personal injury caused to him by accident arising out of and in the course of his employment.

If you object to an arbitration you are to notify A. B. of such objection within *ten* days from the service of this notice upon you otherwise you will be deemed to have assented to such arbitration and the same will be proceeded with at such time as may be appointed by the judge of the county court of the county of _____, the arbitrator in this matter.

Particulars are hereto appended (or annexed).

PARTICULARS.

1. Name and address of injured workman.

2. Name, place of business and nature of business of respondents.

3. Nature of employment of workman at time of accident, and whether employed under respondents or under contractors with them. (If employed under contractors, who are not respondents, name and place of business of contractors to be stated).

4. Date and place of accident, nature of work on which workman was then engaged, and nature of accident and cause of injury.

5. Nature of injury.

6. Particulars of incapacity for work, whether total or partial, and estimated duration of incapacity.

7. Average weekly earnings during the 12 months previous to the injury, if the workman had been so long employed under the same employer, or, if not, during any less period during which he had been so employed.

8. Estimated average amount which the workman is able to earn after the accident.

9. Payments not being wages received from employer in respect of the injury during the period of incapacity.

10. Amount claimed as compensation.

11. Date of service of statutory notice of accident on respondents. (A copy of the notice to be annexed.)

12. If notice not served, reason for omission to serve same.

The names and addresses of the applicant and his solicitor are :

Of the applicant,

Of his solicitor,

The names and addresses of the respondents to be served with this application :

Dated this day of

(Signed),

Claimant.

Or

Claimant's Solicitor.

FORM 2.

Notice of objection to Arbitration.

(Heading as in Notice of Arbitration.)

Take notice, that a motion will be made before the presiding Judge in Chambers at Osgoode Hall, Toronto,  (or as the case may be)  on the day of next, at the hour of o'clock in the forenoon, or so soon thereafter as the application can be heard, for an order directing that any proceedings in this matter be by action and not by arbitration. The application is made on the following grounds :

(Here state grounds.)

FORM 3.

Notice to Respondent of Day Upon which Arbitration will be Proceeded with.

(Heading as in Notice of Arbitration.)

TAKE NOTICE : That the Judge of this Court will proceed with the arbitration herein, at on the day of at the hour of o'clock in the noon ; and that if you do not attend either in person or by your solicitor at the time and place above mentioned such order will be made and proceedings taken as the judge may think just and expedient.

And further take notice that if you wish to disclaim any interest in the subject-matter of the arbitration, or consider that the particulars are in any respect inaccurate or incomplete, or desire to bring any fact or document to the notice of the judge, or intend to rely on any fact, or to deny (wholly or partially) your liability to pay compensation under the Act, you must file an answer, stating your name and address and the name and address of your solicitor (if any), and stating that you disclaim any interest in the subject-matter of the arbitration, or stating in what respect the particulars are inaccurate or incomplete, or stating concisely any fact or document which you desire to bring to the notice of the judge, or on which you intend to rely, or the grounds on and extent to which you deny liability to pay compensation.

Such answer, together with a copy thereof for the judge, and a copy for the applicant and for each of the other respondents, must be filed with the Clerk of the Court 5 clear days at least before the day of .

If no answer is filed, and subject to such answer, if any, the particulars and your liability to pay compensation will be taken to be admitted.

Dated this day of .

To

Of

(Signed),

Claimant.

or

Claimant's Solicitor.

FORM 4.

ANSWER BY RESPONDENTS.

(Heading as in Notice of Arbitration.)

Take notice that the respondents, C. D. & Co., Limited, intend, at the hearing of the arbitration, to give in evidence and rely on the following facts :—

That no notice of the alleged action was given to the respondents as required by section 13 of the said Act ;

That the claim for compensation with respect to the alleged accident was not made within twelve weeks from the occurrence of the accident ;

or

That the respondents, C. D. & Co., Limited, deny their liability to pay compensation under the above mentioned Act in respect of the injury to A. B., mentioned in the Claimant's particulars, and that the grounds on which they deny their liability are :—

That the employment of the said A. B. was not an employment to which the said Act applies ;

or

That the said injury to the said A. B. was not caused by accident arising out of and in the course of his employment ;

or

Any other ground of defence.

FORM 5.

AWARD.

In case of application by workman.

(Heading as in Notice of Arbitration.)

Having duly considered the matters submitted to me, I do hereby make my award as follows :—

1. I order that the respondents, C. D. & Co , Limited, do pay to the claimant, A. B., the sum of as compensation for personal injury caused to the said A. B., on the day of , by accident arising out of and in the course of his employment as a workman employed by the said C. D. & Co., in (state nature of employment).

2. And I order that the said C. D. & Co. do pay to the claimant, ~~£~~ (or as the case may be) ~~£~~ his costs of and incident to this arbitration such costs in default of agreement between the parties as to the amount thereof, to be taxed by the clerk on the scale of costs in use in the county courts, and to be paid by the said C. D. & Co. to the ~~£~~ claimant (or as the case may be) ~~£~~ within 14 days from the date of the certificate of the result of such taxation ~~£~~ (or if the judge fixes the costs or the parties agree upon them, this form to be adapted). ~~£~~

Dated this day of

Judge.

FORM 6.

Notice of Application for Determination of Amount of Costs under section 16.

In the County Court of holden at

(Title as in Award or Memorandum.)

TAKE NOTICE : That I intend to apply to the judge at
on the day of at the hour of
 o'clock in the noon, to determine the amount
of costs to be paid to me as solicitor (or agent) for you A. B. in the
above mentioned matter ; and for an order declaring that I am entitled
to a lien for such amount on or to deduct such amount from the sum
awarded as compensation to you the said A. B. in the above
mentioned matter and for consequential directions.

Dated this day of

Applicant.

To the Clerk of the Court
and to
A. B.
of

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend the law with respect to
Compensation of Workmen.

First Reading, 8th March, 1899.

(Reprinted with suggested amendments.)

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 195.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Clause (a) of sub-section 11 of section 640 of *The Muni-*
5 *cipal Act* is amended by inserting after the word "along" and before the word "the" in the eleventh line of said sub-
section the words "or leading to."

Rev. Stat. c.
223, s. 640, s.-s.
11, amended.
Sale of road
allowances to
owners of ad-
joining lands.

No. 195.

2nd Session, 9th Legislature, 62 Viet, 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 9th March, 1899.

Mr. PARDEE.

TORONTO.

PRINTED BY L. K. OAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 196.]

BILL.

[1899.

An Act to amend The Ditches and Watercourses Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

5 **1.** Section 3 of *The Ditches and Watercourses Act* is amended by striking out all the words in the paragraph commencing with the word “owner,” and substituting therefor the following:—

Rev. Stat.
c. 285, s. 3,
amended.

10 “An owner shall mean and include the owner or possessor of any real or substantial interest in lands whether held in fee simple, fee tail for one or more life or lives or for a term of years not less than ten, the executor or executors of an owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a general power
15 of attorney authorizing the appointee to manage and lease the lands, and a municipal corporation as regards any highways under its jurisdiction.”

“Owner,”
meaning of.

20 **2.** The said Act is amended by adding thereto the following section:—

Rev. Stat. c.
285, amended.

“40. This Act shall apply to the drainage of all lands required to be drained whether for agricultural, mining, manufacturing or other purposes.”

Application of
Act.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Ditches and Water-courses Act.

First Reading, 9th March, 1899.

Mr. PARDEE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

The Drainage Amendment Act, 1899.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 3 of *The Ditches and Watercourses Act* is amended
5 by striking out all the words in the paragraph commencing with the word “owner,” and substituting therefor the following:—

Rev. Stat.
c. 285, s. 3,
amended.

“An owner shall mean and include the owner or possessor
of any real or substantial interest in lands whether held in
10 fee simple, fee tail for one or more life or lives or for a term of years not less than ten, a lessee for a term of not less than five years with an option to purchase, the executor or executors of an owner, the guardian of an infant owner, any person entitled to sell and convey the land, an agent under a
15 general power of attorney authorizing the appointee to manage and lease the lands, and a municipal corporation as regards any highways or other lands under its jurisdiction.”

“Owner,”
meaning of.

2. The said Act is amended by adding thereto the following
section:—

Rev. Stat. c.
285, amended.

20 “40.—(1) This Act shall apply to the drainage of lands for agricultural, mining, manufacturing or other purposes; provided that in case proceedings are taken under section 8 of this Act by any owner for the drainage of lands for mining, manufacturing or any purpose other than agriculture or the drain-

age of highways at the instance of the municipal corporation, the engineer, subject to appeal to the judge as hereinbefore provided, shall determine by his award the amount, if any, to be paid by such owner to the owner of any other land affected by the said ditch for right of way or for any injury done to the land of such last mentioned owner by the making of the proposed ditch, and in estimating such amount the engineer shall deduct such sum as will represent the value or benefit, if any, of such ditch to the lands so occupied or injured. The making of the proposed ditch shall not be proceeded with until the amount awarded by the engineer or judge shall have been paid by the owner taking proceedings under section 8 of this Act.

(2) Nothing in this section contained shall affect any litigation pending at the time of passing thereof.

Rev. Stat.
c. 226,
amended.

3. *The Municipal Drainage Act* is amended by inserting therein the following section as section 6a.

Apportion-
ment of
assessment
for drainage
work on sub-
division of
land assessed.

6a. Where part of a whole lot or of a sub-division or portion of a lot assessed by the engineer has been sold since the final revision of the assessment, the owner of the part so sold and the owner of the remaining portion of the lot or sub-division or portion of a lot so assessed or either of them may give notice to the clerk of the municipality that he requires the said assessment to be apportioned between the owners of the property so assessed and sub-divided, and the Township engineer shall thereupon make such apportionment in writing and the same shall be filed with the clerk and shall be by him attached to the original assessment, and shall be binding on the lands assessed in the manner apportioned by the said engineer, and the rate shall thereafter be levied and collected accordingly. The costs of the engineer shall be borne and paid by the parties in the manner which may be fixed or apportioned by such engineer.

Rev. Stat. c.
226, s. 9, s.-s.
7, repealed.

4. Sub-section 7 of section 9 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:

Notice to per-
sons assessed.

7. Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall, by letter or postal card, notify the parties assessed of such assessment and the amount thereof. In case more than one municipality is interested in the proposed work, the clerk of such other municipality or municipalities shall forthwith, upon the filing of a copy of the engineer's report in their office, notify the parties assessed of such assessment and the amount thereof.

Rev. Stat.
c. 226, s. 9,
amended.

5. Section 9 of *The Municipal Drainage Act* is amended by adding thereto the following subsection:

Time for filing
report of
engineer.

8. The report of the engineer shall be filed within six

months after the filing of the petition; provided that upon the application of the engineer the time for filing the report may be extended from time to time for additional periods of six months, when the council is satisfied that owing to the nature of the work it was impracticable for the report of the engineer to be completed within the time limited by law.

9. In case the engineer neglects to make his report within the time limited by the preceding subsection, or within the time fixed by the council under the said subsection, he shall forfeit all claim for compensation for the work done by him upon the drain, and the council may employ some other engineer to make the examination, report and assessment required by the preceding section.
- 10

If engineer neglects to do work council may appoint another.

No. 196.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL

The Drainage Amendment Act, 1899.

First Reading, 30th March, 1899.

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 197.]

BILL.

[1899.

An Act to amend The Ontario Tree-Planting Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. *The Ontario Tree-Planting Act* is amended by inserting
5 therein the following as section 3 a : Rev. Stat. c.
243 amended.

3 a.—(1) Not less than thirty municipal electors in a police
village may present a petition to the township council praying
for the passing of a by-law under section 3 of this Act to have
effect within the limits of the police village, and on receipt of
10 such petition the council of the township in which such police
village is situated may pass by-laws giving effect to such peti-
tion with the assent of the electors of the police village quali-
fied to vote at municipal elections obtained before the final
passing of the by-law as provided by *The Municipal Act*. Township by-
laws respect-
ing tree plant-
ing in police
villages.

15 (2) The police trustees of such village shall appoint the in-
specter of trees provided for by by-law of the township coun-
cil, and the amount required for the payment of bonuses for
tree planting under such by-law, and the remuneration of the
inspector shall be raised by rate levied upon the property liable
20 to assessment in such police village in the manner provided by
The Municipal Act. Inspector of
trees.
Payment of
expenses.

Rev. Stat. c.
223.

No. 197.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to amend The Ontario Tree-Plant-
ing Act.

First Reading, 9th March, 1899.

Mr. AULD.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty

No. 198.]

BILL.

[1899.

An Act respecting Pasture Lands and Liens on Stock
placed thereon for unpaid Pasture Money.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

- 5 Every person upon whose lands horses, cattle, sheep or other animals are placed for the purposes of pasturage. shall have a lien upon such horses, cattle, sheep or other animals for the amount due in respect of such pasturage supplied and, in addition to all other remedies provided by law, shall have the right
- 10 in case any part of such amount remains unpaid for the space of two weeks to sell by public auction such horses, cattle, sheep or other animals, on giving two weeks' notice by advertisement in a newspaper published in the municipality in which the said lands are situate or, in case there is no newspaper published in
- 15 said municipality, in a newspaper whose place of publication is nearest to said lands, of the intended sale, stating (if known) the name of the person or persons who placed such horses, cattle, sheep or other animals on the said lands, the amount of the indebtedness and the name of the auctioneer, and giving so
- 20 far as possible a description of the horses, cattle, sheep or other animals, and after the sale the owner of the said lands may apply the proceeds thereof in payment of the amount due him in respect of pasturage supplied and the cost of such advertisement and sale and shall pay over the surplus, if any, to the
- 25 person entitled thereto on application being made by him therefor.
- Lien for cost of pasturing cattle, horses, etc.

No. 198.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting Pasture Lands and Liens
on Stock placed thereon for unpaid Pas-
ture Money.

First Reading, 10th March, 1899.

Mr. HODGINS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 199.]

BILL.

[1899.]

An Act to Amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 24 of section 7 of *The Assessment Act* is re-
5 pealed.
Rev. Stat.
c. 224, s. 7,
subs. 24
repealed.
2. The said Act is amended by inserting therein the follow-
ing as section 18a.:
Rev. Stat.
c. 224 amend-
ed.
18a. Real property belonging to or in possession of any
person or incorporated company and extending over more
10 than one ward in any city or town may be assessed together in
any one of such wards at the option of the assessor, or the
assessment may be apportioned amongst two or more of such
wards in such manner as he may deem convenient.
Assessment of
lands owned
by one person
or company
and lying in
more than one
ward.
3. Subsection 1 of section 28 of the said Act is amended by
15 striking out all the words after "actual" and inserting in
lieu thereof the words "present value."
Rev. Stat.
c. 224, s. 28,
subs. 1
amended.
4. Subsection 2 of section 39 is amended by striking out
all the words after "bank" and inserting in lieu thereof the
words "but the shareholders shall be assessed on their divi-
20 dends or profits derived from such bank."
Rev. Stat.
c. 224, s. 39,
subs. 2
amended.

Rev. Stat.
c. 224, s. 84,
subs. 3
repealed.

Appeals to
Court of
Appeal.

5. Subsection 3 of section 84 of the said Act is repealed and the following substituted therefor :

(3) Subsection 20 of section 71 and sections 75 to 86 inclusive shall apply to all appeals under the preceding two subsections or under subsection 6 of this section, and the said judge or judges or the Court of Appeal shall have the powers and duties which by the said subsection 20 of section 71 and sections 75 to 86 are assigned to the county judge therein referred to. 5

Rev. Stat.
c. 224, s. 135
amended.

Distress
for taxes.

6.—(1) Subsection 1 of section 135 of the said Act is 10 amended by striking out the words "the premises" in sub-clause 1 of subsection 1 and inserting in lieu thereof the words "any real or personal property," and by striking out the words "on the premises" in sub-clause 2 of subsection 1 and inserting in lieu thereof the words "found on any real property for 15 which he is so assessed," and by inserting the word "assessed" after the word "premises" where it first occurs in sub-clauses 3 and 4 of said subsection.

(2) Subsection 2 of the said section 135 is amended by striking out the words "for the premises" and by striking out 20 the word "therefore" in the said subsection and inserting in lieu thereof the words "for the taxes distrained for."

Rev. Stat.
c. 224 amended.
ed.

7. The said Act is amended by inserting therein the following section immediately after section 192 of the said Act : 25

Tax sales not
to be void
because there
are goods
liable to dis-
tress.

192a. No sale of lands for taxes in any city shall be invalid by reason of there having been goods or chattels within the county belonging to or in the possession of the person assessed for the lands, or goods or chattels upon such lands liable to seizure for the taxes, and of no levy by distress having been 30 made upon any such goods or chattels for the payment of taxes due in respect of said lands.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Assessment Act.

First Reading, 10th March, 1899.

MR. CARSCALEN.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 200.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Section 411 of *The Municipal Act* is hereby repealed.

Rev. Stat. c.
223, s. 411,
repealed.

2. Section 678 of the said Act is amended by inserting
therein the following as subsection 2*a* thereof:—

Rev. Stat. c.
223, s. 678,
amended.

(2*a*) The council of the corporation may provide from the
general funds of the municipality or raise by way of loan upon
debentures of the municipality such larger or smaller propor-
tion than 40 per cent. as they may deem expedient of the cost
of construction of granolithic, stone, asphalt, cement or brick
sidewalks upon any streets of the city or town on an affirma-
tive vote of three-fourths of the members of the council, and
the provisions in this Act contained shall apply to the propor-
tions or percentages of the contributions to be paid by the city
corporation and the owners of the property benefited respec-
tively, such percentages being substituted for the terms forty
per cent. and sixty per cent. respectively in any by-laws to be
passed or debentures to be issued or proceedings taken relating
to such sidewalks or to the payment therefor.

Corporation's
share of
certain
permanent
sidewalks.

3. Subsection 1, of section 680, of *The Municipal Act* is
amended by inserting after the word "council" in the third
line the words "upon the value of the land only and not of the

Rev. Stat. c.
223, s. 680,
subs. 1,
amended.

Exemption
of lands
specially
assessed from
general assess-
ment for simi-
lar purposes.

improvements thereon" and by adding at the end of said subsection the words "and the value per foot of frontage of the land to be so exempted from any general rate or assessment for the like purpose, shall be estimated for the purposes of such exemption and shall be stated in the notice of assessment pro- 5
vided for in subsection 2 of section 671, and such valuation shall be subject to appeal under subsection 5 of said subsection."

Rev. Stat. c.
223, s. 535,
amended.

4. Section 535, of the said Act is amended by adding thereto the following as subsection 3 thereof: 10

Polling sub-
divisions in
cities and
towns to
which Rev.
Stat., c. 8,
applies.

(3) In cities and towns to which *The Manhood Suffrage Registration Act* applies, the by-laws for dividing wards into polling subdivisions and for establishing polling places therein, shall apply only to elections for municipal purposes, and the polling subdivisions for Provincial elections shall be made and 15
the polling places therein established by the Board of Registrars appointed under said Act, subject to the same limitations and conditions as if made by-law under this Act.

Rev. Stat.
c. 223, s. 536,
amended.

Number of
electors in
polling
subdivisions.

6. Section 536 of *The Municipal Act* is amended by striking out the figures "200" wherever they occur therein and 20
substituting therefor the figures "300" and by substituting "400" for "300" in the twelfth subsection, but this amendment shall not apply to cities having 100,000 inhabitants or more.

Voters' lists to
be made up in
certain cities
on return of
roll and before
revision.

7. In any city where the assessment rolls are not returned 25
to the clerk until or after the first day of October, the clerk shall, immediately after the return of the assessment rolls to him and without waiting for the revision and correction thereof by the Court of Revision or the Judge, make out a correct alphabetical list of all persons appearing by the assess- 30
ment rolls to be entitled to be voters at municipal elections in the said city, and where any changes are made in any of such rolls by the Court of Revision or the Judge, which affect the right to vote at municipal elections of any persons whose names appear upon any of said assessment rolls, the corres- 35
ponding changes shall be made by the clerk in the Voters' lists and shall be certified by him in a separate list under his hand to the County Judge to be dealt with by him under *The Voters' Lists Act*.

Rev. Stat.,
c. 7.

No. 200.

2nd Session, 9th Legislature, 62^d Vic., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 10th March, 1899.

MR. CARSCALLEN.

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 201.]

BILL.

[1899.

An Act to amend The Municipal Drainage Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Drainage Act* is amended by inserting therein the following section as section 77a. :

Rev. Stat.
c. 226, §
amended.

77a. It shall be the duty of the owner of every lot or part of a lot assessed for benefit to clean out the drain and keep the same free from obstructions which may hinder or impede the free flow of the water, and to remove therefrom all weeds and brushwood and to keep the banks of the drain in order for the distance determined by the engineer in his report, and in case any such owner makes default in so doing for thirty days after notice in writing from the engineer of the municipality the work may be done by the engineer and the cost thereof shall be placed on the collector's roll against the lands of such owner and shall be collected in the same manner as other municipal taxes.

Duty of owners as to cleaning out and keeping banks in order.

2. *The Municipal Drainage Act* is amended by inserting the following section as section 10a.:

Rev. Stat.
c. 226,
amended.

10a. The engineer or surveyor shall in his report state the portion of the said drain which after the construction thereof shall be by each owner assessed for benefit, cleaned out and kept clear and free from obstructions and in good order as prescribed by section 77a. of this Act.

Engineer to apportion work of cleaning out drain among owners.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 16th March, 1899.

Mr. MUTTRE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Exc Majesty.

An Act respecting the Registration of Leases.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

- 5 1. The lessee named in any lease executed after the passing of this Act or the solicitor or agent of such lessee may indorse thereon the words "not to be registered in full," and in such case the registrar shall register the lease in the manner provided by *The Registry Act* in the case of leases except that
10 such lease shall not be copied into the books kept for that purpose in the registry office. The lease shall be numbered as other instruments are required to be numbered in the registry book in its proper order and the original note made as required by section 67 of *The Registry Act*. The registrar shall at the
15 time of the registration of a lease not copied in full enter opposite the number in the registry book the words "lease not copied in full," and shall also give the date and names of the parties thereto.
- 20 2. Registration under section 1 of this Act shall have the same effect and consequences as and shall be equivalent to registration under sections 60 and 96 of *The Registry Act* and all other sections of the said Act relating to the registering of instruments which are registered at full length, and in cases where a lease has not been copied in full the lessee and those
25 claiming through or under him shall be entitled to all the

Lessee need
not register
lease in full.

Rev. Stat. c.
136.

Entry in reg-
istry book.

Effect of regis-
tration.

benefits and advantages and to all the legal and equitable rights which would accrue to him or them had the lease been registered at full length.

Fee when
lease not reg-
istered in full.

3. Upon registration in the manner provided by section 1 5 of this Act the fee payable for registration of any lease not including more than four distinct parcels of land having separate heading in the abstract index shall be one dollar, and for each additional lot or part of lot thereafter requiring entry to be made under separate heading in the abstract index five 10 cents.

Subsequent
registration in
full.

4. After the registration of any lease in the manner in this Act provided the registrar upon the application of any person claiming to be interested in the demised lands and upon payment of the fees prescribed less the amount already paid for 15 registration, shall cause such lease to be copied out in full in the book kept for that purpose in the registry office.

Entry in ab-
stract index.

5. The registrar shall indicate in the abstract index in the case of the registration of every lease hereafter whether the same has or has not been registered in full by marking oppo- 20 site the same in the abstract index the words "registered in full" or "not registered in full" as the case may be

"Lessee,"
"lease,"
meaning of.

6. In this Act the word "lessee" shall include the assignee of a lessee, and the word "lease" shall include an assignment of the lease.

No. 202.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Registration of
Leases.

First Reading, 10th March, 1899.

MR. STRATTON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 203.]

BILL.

[1899

An Act to amend The Electric Railway Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 131 of *The Electric Railway Act* is repealed and
5 the following substituted therefor. Rev. Stat.
c. 209, s. 131
repealed.

131. Where a railway passes a draw or swing bridge over a
navigable river, canal or stream, which is subject to be opened
for the purposes of navigation, the motor, car, carriage or train
shall in every case be brought to a full stop, and the conductor
10 or other officer in charge thereof shall ascertain from the
bridge-tender that the bridge is closed and in perfect order for
passing, and in default of so stopping the said railway com-
pany shall be subject in addition to all other penalties to a
fine or penalty of four hundred dollars. Cars to be
stopped before
crossing swing
bridges, etc.

No 203.

2nd Session, 9th Legislature, 62 Vic. 1899.

BILL.

An Act to amend The Electric Railway
Act.

First Reading, 13th March, 1899.

MR. MATHESON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 204.]

BILL.

[1899

An Act respecting Municipal and School Elections.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every person proposed for an office, the holder of which
5 is required to have a property qualification, shall on the day of the nomination or on the following day, or when such last
named day is a holiday then on the succeeding day, file in the
office of the clerk of the municipality not later than 5 o'clock
in the afternoon a statutory declaration that he possesses the
10 necessary qualification, and in default of so doing such person
shall be deemed to have retired and his name shall be removed
from the list of candidates and shall not be printed on the
ballot papers.
- Declaration of qualification to be filed.

No. 204.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting Municipal and School
Elections.

First Reading, 13th March, 1899.

Mr. LEYS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 205.]

BILL.

[1899.

An Act to amend The Ontario Game Protection Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1.—(1) Sub-section 3 of section 3 of the said Act is hereby
5 amended by adding at the end thereof the following words: Sub-sec. 3 of
sec. 3
amended.
“And any person shipping any deer or part of any deer with-
out so attaching such shipping coupon shall be guilty of an
offence against this Act.”

(2) Sub-section 5 of section 3 is hereby repealed and the fol-
10 lowing substituted therefor:

(5) Every such person shall at all times when hunting, carry
his license on his person, and shall at all reasonable times
and as often as reasonably requested produce and show such
license to any person requesting him so to do, and if he fails
15 or refuses to do so he shall forfeit any such license he may
possess, and shall, if found hunting, taking, pursuing, killing,
wounding or destroying any deer, and on proof of such request
and failure or refusal, be deemed to have violated the provis-
ions of this section.

20 2.—(1) Section 4 of the said Act is hereby amended by insert-
ing after the word “granted” in the eleventh line of sub-section
1 the following words, ‘and shall have attached thereto two Sec. 4, sub-
secs. 1 and 3
amended.

shipping coupons to be used as provided in sub-section 3 of section 3 of this Act ;” and by inserting the words “ brace of ” after the word “ fifty ” in the fourth line of sub-section 3 of said section 4.

(2) Sub-section 2 of section 4 is hereby repealed and the following substituted therefor :

(2) “ Every such person shall at all times when hunting, carry his license on his person, and shall at all reasonable times and as often as reasonably requested produce and show such license to any person requesting him so to do, and if he fails or refuses to do so he shall forfeit any such license he may possess, and shall, if found hunting, taking, pursuing, killing, wounding or destroying any such animal or bird, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section. 15

3. Section 5 of the said Act is hereby repealed.

Sec. 6, sub-sec.
1 amended.

4 Sub-section 1 of section 6 of the said Act is hereby amended by adding at the end thereof the following words : “ Provided that notwithstanding anything in this sub-section contained, persons who have heretofore put, bred or imported 20 or hereafter put, breed or import deer upon their own lands with the desire to breed and preserve the same and the licensees of such persons may hunt, take or kill any such deer between the first day of October and the fifteenth day of November in any year, but the onus of proof that such deer was or were 25 so put, bred or imported shall rest on the person hunting or killing the same.

5. Sub-section 3 of section 7 is repealed and the following substituted therefor :

(3) Notwithstanding anything in this section contained, any 30 person may at any time hunt, take or kill the animal commonly known in this Province as cotton-tail rabbit, provided that such animals may not be hunted or killed with firearms during the seasons in which partridge or grouse are protected.

6. Subsections 3 and 4 of section 8 of the said Act are hereby repealed and the following subsections are hereby added to said section 8 :—

Sale of Game
in close season.

(3) No person shall by himself, his servant, clerk or agent, buy, sell, or expose or keep for sale, or directly or indirectly, upon any pretence or device, or for any valuable consideration 40 barter, give or obtain from any other person any of the animals or birds by this Act protected, or any part of such animals or birds, no matter where killed or procured, except during the periods in which such animals or birds respectively are permitted to be hunted, taken or killed, and during five 45 days after the expiration of such periods respectively, provided

that this exception allowing sale during the open season shall not until September 15th, 1900, apply to snipe, woodcock, and shall not until the 15th day of October, 1900, apply to quail; but shall apply to partridge in alternate years, the sale thereof being permissive during the open season and five days after the expiration thereof in the present year, 1899.

(4) Except by license and for private use as in this Act expressly provided and permitted, no person shall have in his possession, or in the possession of any servant, agent or other person on his behalf, any of the animals or birds by this Act protected, no matter where killed or procured, or any part or portions of such animals or birds, during the periods in which the sale thereof is by the next preceding subsection forbidden. Provided that for the private use of the owner and his family such birds and animals may be had in possession at any time. Possession during close season.

(5) No person shall for hire, gain or hope of reward hunt, kill or shoot any of the said birds or animals, or employ, hire or for valuable consideration, induce any other person so to do. Hiring.

(6) The chief warden may issue to any person or corporation engaged in the business of cold storage of perishable articles a license authorizing such person or corporation to keep during the close season in any year and until the commencement of the next open season any of the animals or birds hereinbefore mentioned, upon the following conditions:— License to store game.

(a) That the chief warden and any warden or deputy warden shall at all times be allowed to inspect any cold storage premises owned or kept by the licensee and all game kept therein. Inspection.

(b) There shall be recorded in a book kept for the purpose and open to the inspection of the chief warden and of all wardens and deputy wardens, the name and residence of each person from whom game is received to be so kept, the quantity and description of such game and the dates at which the same or every part thereof is received and delivered, together with the name of the person to whom the same is delivered. Record of game stored.

(c) That written notice shall be given to the chief warden of all game brought for cold storage during the close season. Notice of chief warden.

(7) Application for such licenses shall be verified by statutory declaration, in which the applicant shall declare that he will comply with the above conditions, and will not knowingly permit any violation of this Act with regard to any game to be kept, in cold storage as aforesaid. The above declaration shall be made by the owner of the cold storage premises, or in case of a corporation, by the manager or other officer in charge of the business. Application for license.

(8) No hotel, restaurant or club shall supply for, or as part of any meal for which a charge is made, any of the birds or Hotels, clubs, etc

animals hereinbefore mentioned, no matter where killed or procured, during any period in which the sale of any such birds or animals is prohibited, except by license to be issued by the Chief Warden for any one close season upon application verified by statutory declaration of the owner or manager of such hotel, restaurant or club specifying the game to be so supplied, the place where the same then is. 5

(9) No license under this section shall be issued to any person, or to any corporation employing any person who may while in such employment have been convicted of an offence 10 against this Act within two years next preceding the date of an application for such license.

Fees.

(10) The fee to be paid for each license issued under this section shall be the sum of five dollars, or such smaller sum as the Board of Fish and Game Commissioners may from time 15 to time determine.

7. Sub-section 1 of section 14 is hereby repealed and the following subsection is substituted therefor:

"(1) No common carrier or other person shall transport or have in possession for that purpose in this Province after 20 the same has been killed, any wild deer or the head or the raw skin thereof, or any venison *unless there be attached thereto one of the shipping coupons belonging to the license authorizing the shipper to hunt or kill deer as provided in this Act; and no common carrier or other person shall receive for* 25 *transportation any such wild deer, or any beaver, otter or muskrat, or any skin or other portion thereof,* save only from the first day of November to the twenty-second day of November in each year, unless *in addition to such coupon* the same be accompanied by an affidavit of the shipper that the 30 same was *legally* hunted and taken according to the provisions of this Act."

8. Section 14 of the said Act is further amended by adding thereto the following subsections:—

"(4) Nothing in this section shall prevent a common carrier 35 from transporting or having in possession for that purpose any moose, caribou or deer, or the head or the raw skin thereof, or any venison if accompanied by a declaration showing that the same was killed in some other province during the time allowed thereof by law." 40

(5) Every express company and common carrier, and every person or corporation engaged in the business of cold storage, or in the business of purveying or dealing in game, shall upon request permit any Warden or Deputy Warden to enter and inspect any building or car for the purpose of searching 45 for game illegally killed or possessed and shall afford such Warden or Deputy Warden all reasonable facilities in making such search.

(6) All bags, boxes and parcels of every kind in which game is packed for transportation shall be so constructed as to show the contents thereof and shall be marked or labelled with the description of the contents and the name and address of the owner thereof.

9.—(1) Subsection 3 of section 19 of the said Act is hereby repealed and the following subsection substituted therefor:—

“(3) Any owner or occupant of land may give the notice provided for in this section by maintaining two sign boards at least one foot square, containing such notice, *on or near the boundary thereof, or any part thereof, and at such distances as will permit of every sign board being clearly visible from the nearest sign board on either side thereof, or by maintaining two of such sign boards,* upon at least every forty acres of the premises sought to be protected, on or near the boundaries thereof or upon or near the shores of any water thereof, in at least two conspicuous places; or by giving personal, written, or verbal notice, and such notice firstly herein provided may be in form following:— “Hunting or shooting on these lands forbidden under Ontario Game Laws.”

(2) Subsection 6 of section 19 of the said Act is hereby amended by inserting after the word “water” in the fourth line thereof the words “any land without sufficient trees or obstructions to prevent any post hereinafter mentioned being clearly visible from the nearest post on either side thereof.”

10.—(1) Sub section 1 of section 28 is hereby repealed, and the following substituted therefor:—

“(1) Any person offending against any of the provisions of sections 3 to 6, or sub sections 1 and 2 of section 9, sub sections 1 and 3 of section 14, and section 27 of this Act, shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with the costs of prosecution; and any person offending against any other of the provisions of this Act shall be liable for each offence to a fine not exceeding \$25 and not less than \$5, together with the costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in the common gaol of the county where such conviction takes place, for a period not exceeding three months.”

(2) The following subsection is hereby added to section number 28:—

“(5) Any person offending against any of the provisions of this Act who has been once previously convicted of the same or any other offence against this Act shall be liable to a penalty of not less than double the minimum penalty hereinbefore provided for such second offence, and upon a third or any subsequent conviction such person shall be liable to a penalty of not less than the maximum penalty hereinbefore provided.”

Registration
of license
guides.

11.—(1) The Chief Warden may, upon the recommendation of any Justice of the Peace, countersigned by any Warden appointed under the said Act, issue to any fit and proper person applying therefor a license that such person is qualified to act as guide for hunting, shooting or fishing in any part or district of this Province specified in such license; and the Chief Warden shall in a book to be kept for that purpose register the names of all persons to whom such licenses have been issued in each year. 5

(2) The issue of licenses to guides under this section shall be in the sole discretion of the Chief Warden, subject to appeal to the Board of Fish and Game Commissioners who may from time to time lay down rules for the guidance of the Chief Warden in issuing such licenses. 10

(3) The said licenses may be cancelled or revoked at any time by the Chief Warden, who shall not incur any legal responsibility for cancelling or refusing any license 15

(4) The fee to be paid for licenses issued under this section shall be the sum of two dollars, or such smaller sum as the Board of Fish and Game Commissioners may from time to time determine. 20

12. Section 3 of the said Act is hereby repealed and the following section substituted therefor:—

All guns, nets, decoys and ammunition, canoes, skiffs, punts or boats, raw skins, hides of game animals, and all peltries of otter, beaver, and moose heads found in the possession of violators of the law shall be confiscated and forwarded to the chief game warden to be sold and the proceeds thereof applied for the purposes of this Act, and in all cases confiscation of game shall follow conviction, and the game so confiscated shall be given to some charitable institution or purpose at the discretion of the convicting justice; but where a violation of the provisions of section 19 of this Act has taken place through *bona fide* mistake or inadvertence, the convicting justice may relieve from the operation of this section. 25 30 35

13. Sub section (1) of section 32 of the said Act is repealed, and the following substituted therefor:—

“(1) The information shall be laid within six months after the commission of the offence”

14 The Schedule A, Form A, being the form of license to hunt deer, is amended by adding thereto at the end thereof the words, “This license shall be carried on the person of the licensee when hunting.” 40

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL

An Act to amend The Ontario Game
Protection Act.

First Reading, 13th March, 1899.

MR. GIBSON.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 206.]

BILL.

[1899.]

An Act to amend the Act respecting Investments
by Trustees.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Sub-section 1 of Section 5 of *The Trustee Investment Act* is
5 amended as follows:—

Rev. Stat. c.
130 s. 5 s.-s. 1
amended.

1. By striking out all the words in clause (a) after the word
“premium.” in the eleventh line thereof.

Investments
in debentures
of loan com-
panies and
building socie-
ties.

2. By striking out all the words in clause (b) after the word
“premium” in the eleventh line down to and including the word
10 “stock” in the fourteenth line thereof.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act respecting Investments by Trustees.

First Reading, 14th March, 1899.

MR. CLARKE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 207.]

BILL.

[1899.]

An Act to amend the Ontario Game Protection Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. *The Ontario Game Protection Act* is amended by adding
5 thereto the following section as section 35 thereof: Rev. Stat. c.
287, amended.

35. The provisions of this Act shall not apply to any owner
or owners of lands used as game preserves and upon which
any deer as referred to in this Act may be taken, killed, shot,
wounded, destroyed or hunted by such owner or owners nor
10 to any person or persons who may have the written permission
of said owner or owners to so take, shoot, kill, wound, hunt or
destroy the same upon such lands. Provided that the general
public are prohibited from using said lands or game preserves
for such purposes and that the taking, shooting, killing,
15 wounding, hunting or destroying said deer is confined exclus-
ively to the owner or owners thereof and to those having the
consent of said owner or owners as aforesaid. Any provisions
of said Act inconsistent with this section are hereby repealed.

Act not to
apply to hunt-
ing deer
owned by and
on the lands
of the person
on hunting.

Proviso.

2. Section 33 of *The Ontario Game Protection Act* is re-
20 pealed and the following substituted therefor: Rev. Stat.
c. 287, s. 33,
amended.

33. On the trial of any complaint, proceeding, matter or
question under this Act, the person opposing or defending, or
who is charged with any offence against or under any of the
provisions of this Act, shall be competent, but not compellable,
25 to give evidence in or with respect to such complaint, proceed-
ing, matter or question. Defendants to
be competent
but not
compellable
witnesses.

No. 27.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend The Ontario Game Protection Act.

First Reading, 14th March, 1899.

Mr. CHARLTON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 208.]

BILL.

[1899.

An Act to amend The Public Health Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

5 1. Section 104 of *The Public Health Act*, chapter 248 of the
Revised Statutes of Ontario, 1897, is hereby amended by add-
ing the following as subsection 2 thereof :

Rev. Stat.
c. 248, s. 104,
amended.

10 (2) The council or councils of such municipality or municipi-
palities may, without submitting the same to the vote of the
ratepayers of the said municipality or municipalities,
15 pass by-laws necessary from time to time to raise loans
and borrow the moneys required for the establishing, erecting
and furnishing of such hospital or hospitals upon the credit of
such municipality at large and the debentures to be issued
under such by-law, shall be payable at such time or times
within five years from the passing of such by-law as the
council may determine.

By-laws for
borrowing
funds to erect
smallpox
hospitals.

No 208.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Public Health Act.

First Reading, 14th March, 1899.

MR. PATTULLO.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 209.]

BILL.

[1899.]

An Act to amend The Public Parks Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-sections 1 and 3 of section 6 of *The Public Parks Act* are amended by striking out the word "February" where the same occurs therein and inserting in lieu thereof the word "January." Rev. Stat. c. 233 s. 6 s.-s. 1. 3 amended.
2. Section 13 of the said Act is amended by adding thereto the following sub-section:— Rev. Stat. c. 233 sec. 13 amended.
- 10 (1a) In no case, however, shall any land, right or privilege be so acquired by the board, unless and until such acquisition shall have been sanctioned and approved of by the council of the municipality by by-law.
- 15 3—(1) Sub-section 1 of section 17 of the said Act is amended by striking out the word "March" where the same occurs therein and inserting in lieu thereof the word "January." Rev. Stat. c. 233 s. 17 amended s.-s. 1 amended.
- (2) Sub-section 3 of the said section is amended by striking out the word "April" where the same occurs therein and inserting in lieu thereof the word "February." Rev. Stat. c. 233 s. 17 s.-s. 3 amended.
- 20 4. The said Act is further amended by adding the following section thereto:— Rev. Stat. c. 233 amended.

Petition for
by-law declar-
ing Act no
longer.

24.—(1) In case a petition is presented to the council of any municipality in which this Act has been adopted signed in the case of a city by not less than 500 electors or in case of a town or township by not less than 200 electors, or in case of a village by not less than 75 electors, praying that this Act may be declared to be no longer in force in such municipality, the council may pass a by-law, giving effect to the petition with the assent of the electors qualified to vote at municipal elections given before the final passing of the by-law as provided by *The Municipal Act*.

5

10

By-law to be
passed upon
assent of
majority of
electors.

(2) In case the majority of votes polled on the by-law are in favour thereof, the by-law shall be finally passed by the Council at its next regular meeting, held after the taking of such vote, or as soon thereafter as may be and thereafter this Act shall cease to be in force or to have effect in such municipality and the general management, regulation and control of all existing parks and avenues and of all properties both real and personal, applicable to the maintenance of parks belonging to such municipality shall be vested in the Council thereof.

15

BILL.

An Act to amend The Public Parks Act.

First Reading, 14th March, 1899.

MR. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 210.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 276 of "*The Municipal Act*" is amended by striking out the figures "100,000" where the same occur therein and by substituting therefor the figures "50,000."

Rev. Stat.
c. 223, s. 276,
amended.
Boards of
control.

2. Section 583 of the said Act is amended by adding thereto the following :—

By the Councils of Cities and Towns.

39. For regulating and licensing persons exercising the calling or engaged in the business of selling or otherwise disposing of trading stamps or coupons or dealing in gift schemes.

Regulation of
trading stamp
business.

40. For fixing the sums to be paid for licenses required under by-laws passed under the preceding clause not exceeding, however; in cities having a population over 50,000, \$1,000; in cities having a population of 50,000 or under, \$500; and towns having a population of 5,000 or over, \$250.

Transit
fees.

3. Paragraph 2 of sub-section 14 of section 583 of *The Municipal Act* is amended by striking out the words "tea, dry goods, watches, platedware, silverware, furniture, carpets, upholstery, millinery and jewellery" and by inserting in lieu thereof the words "goods, wares, or merchandise."

Rev. Stat.
c. 223, s. 583,
subs. 14,
amended.

Hawkers'
and pedlars'
licenses.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 14th March, 1899.

MR. LUMSDEN.

TORONTO.

PRINTED BY L. K. OAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Cheese and Butter Exchanges.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;—

1.—(1) Any five or more persons each of whom shall be

Incorporation
of cheese and
butter ex-
change.

5 (a) Engaged in the manufacture and sale of cheese or butter, or a member of some firm or partnership carrying on the business of manufacturing cheese or butter, or a person appointed in writing to represent any person, firm or partnership so engaged, or

Who may be
corporators.

10

(b) A person elected or appointed by the shareholders of any cheese or butter manufacturing association or company, or

15 (c) Engaged in the business of buying cheese or butter for export or re-sale, or appointed in writing to represent any person, firm or corporation engaged in such business,

20 who desire to associate themselves together for the purpose of carrying on a cheese and butter exchange may make, sign and acknowledge before a notary public, commissioner authorized to take affidavits, or justice of the peace, in duplicate and file in the office of the registrar of the registry division in which said exchange is to be carried on, a certificate in writing in the form set out in the schedule to this Act, or to the same effect, together with the rules and regulations signed by such persons respectively.

Declaration of
incorporation.

- Verifying signature to rules. (2) The signatures to the rules shall be verified by the affidavit of the subscribing witness thereto made before a notary public, justice of the peace, or commissioner authorized to take affidavits, or before the registrar or deputy-registrar.
- Approval of rules by minister of agriculture. (3) Before the filing of the certificate and rules as aforesaid they shall be approved by the Minister of Agriculture for the Province of Ontario in writing signed by him and endorsed thereon. 5
- Corporate powers. (4) Upon the filing of the certificate and rules as aforesaid, the persons signing such declaration and rules, shall become a body corporate by the name described with the power to hold such lands and other real and personal property as are required for the convenient management of the business of such exchange. 10
- Endorsement of registrar—effect of as evidence. 2. The registrar or deputy-registrar shall if desired by the person filing the certificate endorse on the other duplicate certificate and upon the duplicate of the rules, certificates of the other duplicates having been filed in his office with the date of filing and every such certificate shall be *prima facie* evidence of the facts set out therein and of the incorporation of the exchange. The certificate so to be filed shall designate the place where the business of the exchange is to be carried on. 15 20
- Fees of registrar. 3. The fees to be charged by the registrar for filing any certificate shall be fifty cents, and for every search relating thereto, ten cents. 25
- Rules, what to be dealt with. 4. The rules to be filed as hereinbefore mentioned shall contain regulations respecting,—
- Meetings. 1. The mode of convening general and special meetings of the members of the exchange ; 30
- Audit. 2. Provisions for the auditing of the accounts of the exchange ;
- Admission, etc., of members. 3. The power and mode of withdrawal of members and the admission, suspension and expulsion of members ;
- Officers. 4. The appointment of officers and their respective duties, including provisions for filling vacancies caused by death, resignation and other causes ; 35
- Conduct of business on exchange. 5. The mode of conducting the purchase and sale of cheese and butter at the exchange, and contracts for the purchase and sale thereof by members of the exchange ; 40
- Inspection, etc., of cheese and butter. 6. The inspection, weighing and shipment of cheese and butter and the time and mode of payment for cheese or butter bought or sold on the exchange ;
- Penalties for infraction of rules. 7. Imposing penalties for the infraction of the rules of the exchange by members thereof ; 45

8. The annual and other fees to be payable by members of the exchange; and Fees of members.

9. The settlement by arbitration of disputes respecting contracts made on the said exchange. Arbitrations.

5 5. The rules of every exchange registered under this Act shall bind the exchange and members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto, and all moneys payable by any member to the exchange in pursuance of any such rule shall be deemed to be a debt due from such member to the exchange, and shall be recoverable by action. Rules to bind members.

6. All rules made by the exchange may be repealed, altered or amended by other rules passed at any meeting of the members of the exchange specially called for that purpose, but no new rules shall have any force or effect until a copy proved by the affidavit of the president or other head officer of the exchange to be a true copy of the rule passed by the members of the exchange at a meeting specially called for the purpose of considering the same has been approved in writing endorsed thereon by the Minister of Agriculture and has been filed in the registry office in which the certificate of incorporation was filed. Changes in rules not to take effect until approved by ministers.

7. Every dispute between members of the exchange or any person claiming through or under a member, or under the rules of the exchange and the directors, treasurer or other officers thereof shall be decided by arbitration in manner directed by the rules of the exchange, and the decision so made shall be binding and conclusive on all parties, and shall not be subject to appeal. Disputes to be settled by arbitration.

SCHEDULE.

FORM OF CERTIFICATE.

Province of Ontario, } We (*insert names of subscribers not less than five*)
 TO WIT: } do hereby certify that we desire to form an association pursuant to the provisions of *The Act respecting Cheese and Butter Exchanges*.

The corporate name of the Exchange is to be (*insert name of the Exchange*), and the objects for which the *Exchange* is to be formed are , and the name of the place (*or places*) where the operations of the said Exchange are to be carried on is (*or are*) (*insert name of place or places where the operations of the said Exchange are to be carried on*).

Dated the day of

(*Signatures.*)

On the day of A.D. 18 , before me personally appeared (*insert names of subscribers to the certificate*) to me known to be the individuals described in the foregoing certificate and they severally before me signed the said certificate and acknowledged that they signed the same for the purposes therein mentioned.

A. B.,
 Justice of the Peace, or
 Commissioner for taking Affidavits, or
 Notary Public.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting Cheese and Butter
Exchanges.

First Reading, 14th March, 1899.

Mr. BROWN.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 212.]

BILL.

[1899.

An Act to amend The Seperate Schools Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 2 of section 47 of *The Seperate Schools Act*
5 is hereby amended by inserting after the word "imposed" the
words "or any debt or debts contracted," and by inserting at
the end of the said sub section 2, the words, " but such rates
including those necessary for the liquidation of the said debt
or debts shall be imposed and levied upon and from the person
who has withdrawn his support, until such indebtedness is
10 fully paid."

Rev. Stat.
c. 29⁴, s. 47,
subs. 2,
amended.

Liability of
supporters for
debts con-
tracted before
withdrawal.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to amend The Seperate School Act.

First Reading, 14th March, 1899.

MR. McDONALD.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Registry Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 29 of *The Registry Act* is amended by adding
5 thereto the following additional subsection :

Rev. Stat.
c. 136, s. 29,
amended.

(3) From and after the first day of July, 1899, the general
registry book shall be used for recording wills, probates, grants
of administration, and powers of attorney, in which there is a
general devise or power affecting lands without local descrip-
10 tion, and after the said date, except as aforesaid, no other in-
strument which affects lands without local description, shall be
registered unless the instrument when offered for registration,
in addition to the ordinary proofs for registration, has attached
to it a statutory declaration by one of the parties to the instru-
15 ment, or by his attorney under registered power of attorney or
by the heirs, executors or administrators of such party, to the
effect that the instrument affects lands within the county, and
giving a local or general description of such lands, sufficient
to enable the same to be traced or ascertained by a surveyor.
20 and thereupon such instrument shall be registered in the
proper separate registry book and particulars thereof entered
in the abstract index and in all other books in the same man-
ner as if the instrument itself had contained the local descrip-
tion of the lands.

General regis-
try book, what
to be used for.

Rev. Stat.
c. 136, s. 35,
amended.

Repair of
books, maps,
etc.

2. Section 35 of the said Act is amended by striking out the words "subject to any direction of the Lieutenant-Governor in Council in this behalf," in the twenty-fifth and twenty-sixth lines, and by adding the following words after the word "necessary" in the third line from the end of the said section, "whether such locality or territory has been heretofore subdivided according to registered plan or not." 5

Rev. Stat.
c. 136, s. 61,
amended.

Description
where mort-
gage not
registered in
full.

3. Subsection 1 of section 61 of the said Act is amended by adding at the end of the said subsection the following words, "and such a sufficient description of the land therein mentioned as will readily identify its location." 10

Rev. Stat.
c. 136, s. 61,
subs. 3,
amended.

Fee on regis-
tration of
mortgage not
registered
in full.

4. Subsection 3 of said section 61 of the said Act is amended by adding at the end thereof the following words :

"And where the instrument embraces two lots or parcels of land situate in different municipalities in the same county there shall be paid a further fee for each additional municipality of cents.

Rev. Stat.
c. 136, s. 61,
subs. 5,
repealed.

Entry in ab-
stract index
where mort-
gage not regis-
tered in full.

5. Subsection 5 of section 61 of the said Act is repealed and the following substituted therefor :

(5) The registrar shall indicate in the abstract index in the case of the registration of every mortgage hereafter endorsed "Not to be registered in full," that the same has not been registered in full. 20

Rev. Stat.
c. 136, s. 62,
amended.

Registration
of power of
attorney when
instrument
executed by
attorney.

6. Section 62 of the said Act is amended by adding thereto the following subsection : 25

(2) From and after the first day of January, 1900, no instrument purporting to be signed or executed by any person by attorney, shall be registered in any registry office, unless at the time of the registration of such instrument, or prior thereto, the original power of attorney, or a copy thereof certified for registration, is registered in the same registry office; provided, however that this clause shall not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company or the Trust and Loan Company, provided that when such power of attorney or a copy thereof is lost and cannot be produced, application may be made to a judge for an order directing the registration of such instrument, and thereupon the same may be registered. 30

Rev. Stat.
c. 136, s. 72,
amended.

Proof of no-
tice of sale
under mort-
gage.

7. Section 72 of the said Act is amended by adding thereto the following sub-sections : 40

(4) Where the person who served any notice in this clause mentioned, is dead or out of this Province, or where it is proved to the satisfaction of the Judge in this clause men-

tioned, that the place of abode or residence of such person is unknown, or that such person is incapable of making an affidavit or declaration of service, any person who is or who claims to be interested in the registration of the notice may make
 5 proof before the judge of any county court of the service of the notice, and upon a certificate of such judge to the effect that from the proof produced by (naming the person producing the proof and stating the evidence given) he is satisfied of the due service of the notice, such certificate to be endorsed on
 10 the notice and signed by the judge, the registrar shall register the notice and certificate.

(5) From and after the first day of January 1900, no instrument which purports to be a conveyance of lands after notice and under power of sale contained in a mortgage, shall
 15 be registered until the notice shall have been registered in the registry division in which the lands are situated, pursuant to this section.

Conveyance of land under mortgage not to be registered until after registration of notice of sale.

8. Subsection 1 of section 78 of the said Act is amended by adding thereto the following words:

Rev. Stat. c. 136, s. 78, subs. 1, amended.

20 "And such certificate shall be to the effect of schedule L hereto and shall mention the day and date of registration of each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage moneys, and the names of the parties. This section shall apply to powers of attorney where the certificate of
 25 discharge or prior instrument or document is executed by attorney.

Discharge of mortgage by person other than the mortgagee.

9. Subsection 1 of section 86 of the said Act is amended by inserting after the word "original" in the eighth line
 30 thereof, the words "or copy."

Rev. Stat. c. 136, s. 86, subs. 1, amended. Registration of by-laws.

10. Subsection 1 of section 100 of the said Act is hereby amended by striking out the words in the said subsection following the word "land" in the ninth line thereof and substituting the following words in lieu of the part so struck out,
 35 "being subdivided except where such plan is a subdivision of a lot or lots on a former plan in which case it shall show the numbers or other distinguishing marks of the lot or lots subdivided and the boundary lines of such lot or lots. The number or other distinguishing mark and the breadth both front
 40 and rear shall be marked on each lot of the subdivision, the scale shall also be marked on the plan, and such information as will show the depth of the lots, and the courses of all the boundaries of, or the division lines between the same and the governing line or lines to which said courses are referred to
 45 shall also be indicated; the position of all the posts or monuments, if any, planted by the surveyor, or of other objects marking the boundaries of any of the said lots or the corners

Rev. Stat. c. 136, s. 100, subs. 1, amended.

Registration of plans when land subdivided.

thereof shall also be shown. The plan shall also show all roads, streets, railway lands, rivers, canals, streams, lakes, millponds, marshes or other marked topographical features within the limits of the lands being so sub-divided, togetherwith such other information as is required to show distinctly the position of the said lands." 5

Rev. Stat.
c. 136, s. 100,
sube. 3,
amended.
Mortgages
registered
prior to sub-
division of
land.

11. Subsection 3 of section 100 of the said Act is amended by inserting the words "or assignment of mortgage" after the word "mortgage" in the second last line of the said subsection. 10

Rev. Stat.
c. 136, s. 106,
subs. 1,
amended.
Abstract in-
dex, what to
contain.

12. Subsection 1 of section 106 of the said Act is amended by inserting after the word "onwards" in the tenth line thereof, the words, "or from or to such other date as the inspector may direct."

Rev. Stat.
c. 136, s. 111,
subs. 1,
amended.

13. Sub-section 1 of section 111 of the said Act is amended by adding thereto the following clauses: 15

Registration
of plan of un-
incorporated
village situate
in more than
one township.

(a) Where the unincorporated village as aforesaid is situated in two or more townships, the inspector may, by a written order, cause a plan of such village to be made upon the scale aforesaid, and to be registered in the proper registry office, and where the unincorporated village is situate in two or more registry divisions, a duplicate of such map or plan shall be registered in each of such registry divisions in so far as it affects lands in such division: the map or plan shall have endorsed thereon the certificate of the surveyor that the same has been prepared according to the order of the inspector, and such order or a copy thereof, shall be attached to or endorsed on such plan; and any plan of an unincorporated village situate in two or more townships heretofore prepared upon the request of the inspector, may, in like manner, be registered in the proper registry office, and shall when so registered, be as valid as if the same had been prepared upon the order of the inspector. 20 25 30

Expenses of
registering
plan of such
unincorporated
village—
how appor-
tioned.

(b) The expense attending the preparing and depositing of any map or plan in the next preceding clause (a) mentioned shall be paid out of the general funds of the municipalities in which the unincorporated village is situated, in such proportions as the inspector may order, and any municipality may levy its proportion of such expense, or so much thereof as the council of the municipality sees fit, by assessment on all rateable property comprised in the proportion of the unincorporated village situate in such municipality as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate. 35 40

14. Subsection 2 of section 111 of the said Act is amended by striking out the word 'shall' in the fourth line of such subsection and substituting therefor the words following; "may be paid in whole or in part by the municipality out of its general funds, or the same may in whole or part at the option of the municipality."

Rev. Stat.
c. 136, s. 111,
subs. 2,
amended.

Payment of
expense of
registering
plan of unin-
corporated
village.

15. Section 111 of the said Act is amended by adding thereto the following subsection as 3 (a):

Rev. Stat.
c. 136, s. 111,
amended.

3 (a). Any plan prepared under the provision of subsections 1 and 3 of this section shall show such subdivisions of original lots as are shown by the registered plans and by the deeds of such lands as are not shown on the registered plans, and the plan so to be made shall be prepared without adding to the costs thereof the expense of any actual survey on the ground except such as may be necessary to connect the subdivisions or parcels of land and to show any natural or artificial boundaries of the same which cannot be shown on the new plan from the information contained in the registered plans and deeds.

Plans of
municipalities
—what to be
shown on.

16. Subsection 5 of section 111 of the said Act is amended by adding thereto after the word "bounds" in the second line thereof, the words "or in any other manner without a map or plan registered under this or any other Act in that behalf, showing such subdivisions;" and the same is further amended by adding after the word "such" in the 17th line of the said subsection, the words "application and."

Rev. Stat.
c. 136, s. 111,
subs. 5,
amended.

Application
for filing of
new plans.

17. Subsection 2 of section 118 of the said Act is amended by inserting after the word "reference" in the sixth line of the said subsection, the words "up to 50 references and cents for every additional reference over 50": and by striking out the figure "2" in the eighth line of the said subsection and substituting the figure "3" therefor.

Rev. Stat.
c. 136, s. 118,
subs. 2,
amended.

Fees for
searches as to
will.

18. Subsection 2 of the said section 118 is amended by inserting after the word "words" in the 22nd line thereof, the following words:

Rev. Stat.
c. 136, s. 118,
subs. 2,
amended.

"No person other than the registrar, his officer or employees, shall use ink, or other indelible fluid or substance, for the purpose of making copies of or extracts from any instruments, documents, books, papers or records in the registry office or of any matter therein contained."

Indelible ma-
terials not to
be used in
making cop-
ies, extracts,
etc.

19. Subsection 5 of section 118 of the said Act is amended by adding at the end of such subsection the following words:

Rev. Stat.
c. 136, s. 118,
subs. 5,
amended.

"And where there are two or more lots for which abstracts are required and the entries on such lots are partly identical,

Fees for
abstracts of
title.

the registrar shall make a full abstract for one of the lots and enter in the same all the lots to which each instrument refers, and in the abstract of the other lots he shall only include entries affecting these lots separately.

Rev. Stat.
c. 136, s. 118,
subs. 5,
amended.

Fees of copies
of abstract
index.

Certificate on
copy of ab-
stract index.

20. Subsection 5 of section 118 of the said Act is further amended by adding thereto the following clause: 5

(a) For every copy of abstract index to any specific parcel of land certified by the registrar the fees shall be the same as for abstracts, excepting fees for searches; and the registrar, in certifying any copy of abstract index, may qualify his certificate under the provisions of subsection 3 of section 27 hereof, and may in such certificate state the date of his appointment to the office of registrar. 10

Rev. Stat.
c. 136, s. 118,
subs. 9,
amended.

Fees for pre-
paring plans,
etc., for mun-
icipalities.

21. Subsection 9 of section 118 of the said Act is amended by adding at the end thereof the words "or the inspector may order the expenses of new plans and surveys and the registration thereof under the provisions of section 35 of this Act, to be paid by the treasurer of any local municipality concerned, or in part by the county treasurer and in part by the treasurer of the local municipality, and the local municipality may, subject to the order of the inspector, cause such expenses or part thereof to be levied by assessment on all rateable property comprised in the portion of the municipality affected by such plan or survey." 15 20

Rev. Stat.
c. 136, s. 118,
subs. 11,
amended.

Fees for pro-
ducing
original in-
struments in
court.

22. Subsection 11 of section 118 of the said Act is amended by adding the following words at the end of such subsection, "and for producing each original registered instrument, including search for the same, in pursuance of a judge's order or subpoena, the sum of ten cents in addition to the registrar's ordinary witness fees." 25 30

Rev. Stat.
c. 136, s. 118,
subs. 12,
amended.

23. Subsection 12 of section 118 of the said Act is amended by striking out all the words therein after the words "four" in the seventh line thereof, and substituting therefor the following words:

Fees on regis-
tering dis-
charges of
mortgage.

"And in case the certificate embraces two or more lots or parcels of land situate in different municipalities in the same county, or in case the certificate or aggregate copying thereof exceeds words, the registrar shall be allowed at the rate of ten cents per folio for each additional 100 words or fractional part thereof of copying over words, but not to exceed in the whole for the registration of such certificate." 35 40

Rev. Stat.
c. 136, s. 118,
amende

24. Section 118 of the said Act is hereby amended by adding thereto the following subsection:

(16) Where any Act of this Province, or of the Dominion of Canada requires or permits any instrument or plan to be deposited, filed or registered in the registry office, but omits to provide fees to the registrar for his services in connection therewith, and no fees therefor are provided by this or any other Act, the registrar shall, in the absence of any express provision requiring him to perform such services gratuitously, be entitled to reasonable fees therefor, the amount of such fees to be named and fixed by the inspector of registry offices.

Fees in cases
not provided
for.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act to amend The Registry Act.

First Reading, 15th March, 1899.

Mr. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 214.]

BILL.

[1899

An Act to amend The Act respecting Cheese and Butter Manufacturing Associations and Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of the Act respecting Cheese and Butter Manufacturing Associations and Companies, Chap. 201, of the Revised Statutes, is amended by adding the word "trustees" after the word "managers" in the seventh line of the said section, and by adding at the end of the section the following words, "and (5) provisions for the settlement of disputes by arbitration."

Rev. stat.
c. 201, s. 6
amended.

2. The said Act is further amended by adding thereto the following subsection:—

Rev. stat.
c. 201, s. 6
amended by
adding sub-
section.

6 (a) The trustees of any association heretofore appointed may be removed and others appointed in their place at any general meeting, or at a special meeting called for the purpose of which at least two weeks' notice shall be given.

2nd Session Legislature, 62 Vict., 1899

BILL.

An Act to amend the Act respecting Cheese
and Butter Manufacturing Associations
and Companies.

First Reading, 15th March, 1899.

Mr. DRYDEN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 000.]

BILL

[1899.]

An Act to amend The Ontario Insurance Act.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Subsection 2 of section 150 is hereby amended by strik-
5 ing out in the eleventh and following lines thereof the sums
\$92, \$110, \$129 and \$147; and by substituting therefor the
following sums respectively, \$120, \$160, \$200 and \$260.

Rev. stat.
c. 203, s. 150
subs. 2
amended.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend The Ontario Insurance
Act.

First Reading,	1899.
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Mr. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 216.]

BILL.

[1899

An Act to amend the Act respecting Coroners.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Chapter 97 of the Revised Statutes of Ontario entitled Rev. Stat.
5 *An Act Respecting Coroners* is amended by adding thereto the c. 97, amended
following section :

20. Where a death occurs in any municipality under such Municipality
circumstances as render necessary the holding of an inquest in which
therein under the provisions of this Act, but where the cause cause of
10 of such death happened in another municipality, all fees, costs, death occurs
charges and expenses, paid by the municipality in which the to pay
said death occurred for or in connection with the holding of expenses of
such inquest shall be repaid to the municipality in which the inquest.
15 death occurred by the municipality in which the cause of such
death happened, and the same shall be recoverable by action
in any court of competent jurisdiction.

No. 216.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act to amend the Act respecting
Coroners.

First Reading, 16th March, 1899.

MR. LUMSDEN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Public Schools Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 5 **1.** Subsection 1 of section 51 of *The Public Schools Act* is amended by adding the following words after the word
“concerned” in the last line thereof: “and to the clerks of
the respective municipalites: provided that there shall only
be one assessor to represent each municipality forming the
10 union. In any municipality where more than one assessor is
appointed and employed, the reeve or mayor of the municipality shall name the assessor who shall act for and on behalf
of such municipality.”
- 15 **2.** Subsection 2 of the said section is amended by striking
out the words “shall name an arbitrator who” in the third
line thereof.
- 20 **3.** Subsection 3 of the said section is amended by striking
out the words “name an” in the fourth line and inserting in
lieu thereof the words “act as.”
- 25 **4.** Subsection 5 of the said section is amended by striking
out the words “the inspector or” in the second line and
inserting after the word “ratepayers” in the third line the
words “of the union.”

Rev. Stat.
c. 292, s. 51,
subs. 1,
amended.

Determining
amount to be
levied in each
municipality
in union school
section.

Rev. Stat.
c. 292, s. 51,
subs. 2,
amended.

Rev. Stat.
c. 292, s. 51,
subs. 3,
amended.

Rev. Stat.
c. 292, s. 51,
subs. 5,
amended.

2nd Session, 9th Legislature, 62 Vic., 1899

BILL.

An Act to amend The Public Schools Act.

First Reading, 16th March, 1899.

Mr. HILL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 218.]

BILL.

[1899.]

An Act to amend The Mechanics' and Wage
Earners' Lien Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Subsection 1 of section 22 of *The Mechanics and Wage* Rev. Stat.
Earners' Lien Act is hereby amended by striking out the c. 153,
words "thirty days" and substituting therefor the words s. 21, subs. 1,
"sixty days." amended.

2. This Act shall not apply to extend the time for register- Act not to be
ing a claim for lien in or apply to any case in which the time retroactive.
for registering the same expired before the passing of this Act.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Mechanics and Wage
Earners' Lien Act.

First Reading, 16th March, 1899.

Mr. LEYS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 219.]

BILL.

[1899.

An Act to amend The Municipal Drainage Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. *The Municipal Drainage Act* is amended by inserting
5 therein the following section as section 6a.

Rev. Stat.
c. 226,
amended.

6a. Where part of a whole lot or of a sub-division or portion
of a lot assessed by the engineer has been sold since the final
revision of the assessment, the owner of the part so sold and
the owner of the remaining portion of the lot or sub-division
10 or portion of a lot so assessed or either of them may give
notice to the clerk of the municipality that he requires the
engineer to apportion the said assessment between the owners
of the property so assessed and sub-divided, and the engineer
shall thereupon make such apportionment in writing and the
15 same shall be filed with the clerk and shall be by him attached
to the original assessment, and shall be binding on the lands
assessed in the manner apportioned by the engineer, and the
rate shall thereafter be levied and collected accordingly.

Apportion-
ment of
assessment
for drainage
work on sub-
division of
land assessed.

No. 219.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 17th March, 1899.

Mr. CARPENTER.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 220.]

BILL.

[1899.]

An^e Act to amend the Act respecting Libel and
Slander.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Clause (a) of sub-section 1 of section 10 of the *Act respect-*
5 *ing Actions of Libel and Slander* is repealed.

Rev. Stat.
c. 68, s. 10,
subs. 1,
amended.

BILL.

An Act to amend the Act respecting Libel
and Slander.

First Reading, 17th March, 1899.

Mr. POWELL.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 221.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 542 of *The Municipal Act* is amended by adding
5 the end thereof the following : Rev. Stat.
c. 223, s. 542,
amended.

By the councils of cities, townships, towns and villages :

20. For limiting the quantity, which shall not in any case
exceed twenty-five pounds, of gunpowder or of any other Storing
explosives.
explosive substance to be kept in any place other than a powder
10 magazine, and to regulate the manner in which such gun-
powder or other explosive substance must be stored ;

21. For regulating the establishment within the munici-
pality of factories or other places for the manufacture or stor-
age of gunpowder or any explosive substance in quantities
15 exceeding twenty-five pounds, and for providing for the sub-
mission of plans of the premises in which it is proposed to Regulating
the establish-
ment of
factories for
explosives,
etc.
carry on such manufacture or storage and their approval by
the council before the business of manufacturing or storing is
commenced, and for making regulations respecting the walls
20 or fences by which such buildings are to be surrounded at a
fixed height and distance, and for regulating the distance from
any other building at which such manufacture or storage may
be carried on ;

Regulating
business of
manufactur-
ing and storing
explosives.

22. For regulating the carrying on of the business of manufacturing or storing gunpowder or any explosive in the municipality, whether such business has been heretofore or shall be hereafter established, and for providing for the precautions to be taken for the prevention of accidents arising therefrom ; 5

Licensing
manufacturers
and storage of
explosives.

23. For granting licences for carrying on the business of manufacturing or storing of gunpowder or other explosive substance in quantities of more than twenty-five pounds and for providing for the length of time, not exceeding five years, during which such licenses shall be in force, and that the renewal of the same shall be in the discretion of the council, but no license fee imposed under this section shall exceed the sum of \$25 per month for every month during which the business is carried on; 10 15

No. 221.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1899.

Mr. GUTHRIE,

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 222.]

BILL.

[1899.

An Act to amend The Mines Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of *The Mines Act, R.S.O. 1897* is amended by
5 repealing subsection 2 and substituting the following sub-
sections in lieu thereof:

Rev. Stat.
c. 36, s. 11,
amended.

(2) In the case of a blast furnace which uses charcoal made
within the Province as the sole fuel in smelting ores, payment
may be made out of the Fund of fifty cents per ton on the
10 proportion of pig metal the product of ores not mined in
Ontario, subject to the condition that the following yearly
proportions of Ontario ores are smelted therewith:

In case of a
charcoal fur-
nace using
foreign ores.

- (a) In first period of two years, not less than 20 per cent.
- (b) After two years, not less than 40 per cent.
- 15 (c) After four years, not less than 60 per cent.
- (d) After six years, not less than 80 per cent.
- (e) After eight years, not less than 100 per cent.

And payment on the proportional product of Ontario ores
shall be on the basis of one dollar per ton of pig metal. But
20 in case the proportion of Ontario ores smelted in a blast furnace
shall in any year of a period fall below the percentages herein
specified, there shall in such year be deducted from the pay-

ment of fifty cents per ton on the product of ores not mined in the Province a percentage thereof equal to the percentage of deficiency in the requisite amount of Ontario ores; provided, however, that if the proportion of Ontario ores smelted in any year is less than 20 per cent., no payment shall be made out of the Fund to such furnace for that year. 5

Not more than \$25,000 to be paid out in any year.

(3) Should so large a quantity of ore be raised or mined and smelted in any one year that the sum of \$25,000 will be insufficient to meet the payments provided for in the preceding subsections, then payments to the miners or producers thereof shall be made upon a *pro rata* basis, so that no more than \$25,000 shall be paid for the produce of ores in any one year. 57 V. c. 16, s. 13. 10

Rev. Stat. c. 36, s. 14, amended.

2. Section 14 of the said Act is amended by adding thereto the following subsection:— 15

Use of the word Bureau.

(1) No person, firm, syndicate or company conducting a mining business of any sort or kind in the Province shall use the word "Bureau" to describe the name or title under which such business is carried on: and every person contravening this provision shall, for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs; and in default of payment of the fine and costs such person may be imprisoned for a period not exceeding one month. 20

Right to stake out locations in unsurveyed territory.

3.—(1) Where a part of the Province in unsurveyed territory and outside of a Mining Division is shown to the satisfaction of the Commissioner of Crown Lands to have no value for pine timber, a prospector or an explorer for minerals may, under regulations made by the Lieutenant-Governor in Council, stake out not more than two mining locations of forty acres each in any one calendar year, subject to the general provisions and conditions of sections 26, 27, 28 and 29 of the said Act; and he may hold such locations for a period of two years subject to an expenditure of \$3 per acre in the first year and \$7 per acre in the second year for actual mining work, after which he shall be required to complete his application as provided in a case of ordinary sale or lease of a mining location in the said Act. 25 30 35

License.

(2) No prospector or explorer may proceed to stake out or develop a location under the provisions of this section unless and until he has procured from the Commissioner of Crown Lands a license so to do, for which he shall pay a fee of \$10, and such license shall continue in force for one year from the date thereof, and may be renewed from year to year upon payment of the same fee. 40 45

Rev. Stat. c. 36, s. 31, amended.

4. Section 31 of the said Act is repealed and the following is substituted in lieu thereof:—

31. The price per acre of all Crown lands to be sold as Price of mining lands. mining lands or locations shall be :

- (a) If in surveyed territory within six miles of any railway \$3 50
- 5 (b) If in surveyed territory within twelve miles of any railway 3 00
- (c) If situate elsewhere in surveyed territory 2 50
- (d) If in unsurveyed territory and within six miles of any railway 3 00
- 10 (e) If in unsurveyed territory within twelve miles of any railway 2 50
- (f) If situate elsewhere in unsurveyed territory . . . 2 00

The price per acre for a patent of mining rights shall be one-half of the above rates.

- 15 5. Section 32 of the said Act is amended by striking out the word "ten" in the fifth line thereof, and inserting the word "five" in its stead. Rev. Stat. c. 36, s. 32, amended.

6. Section 34 of the said Act is amended by striking out the words "section 31" in the second line thereof and inserting the words "sections 31 and 32" in lieu thereof; and by inserting after the word "years" in the ninth line thereof the words "or its equivalent in less time"; and by adding thereto the following subsection : Rev. Stat. c. 36, s. 34, amended.
- 20

- (3) It shall be the duty of the grantee, owner or holder of a mining location to make a report of the performance of the mining operations, herein required according to a form which may be obtained on application to the Director of the Bureau of Mines, and such report duly verified by affidavit shall be completed and forwarded to the Director of the Bureau within thirty days after the end of the year or term of years, as the case may be, for which the expenditure is required. Duty in regard to report of expenditure.
- 25
- 30

7. Section 35 of the said Act is repealed and the following is substituted therefor : Rev. Stat. c. 36, s. 35, repealed.

- 35—(1) Instead of granting any mining lands in fee simple the same may be leased or demised for a term of ten years, and unless otherwise provided by regulation the rental for the first year shall be \$1 per acre, and for each year of the term thereafter it shall be per acre : Leases of mining lands authorized.
- 35

- (a) If in surveyed territory within six miles of a railway 30c Rental.
- 40 (b) If in a surveyed township within twelve miles of a railway 25c
- (c) If situate elsewhere in surveyed territory 20c

- (d) If in unsurveyed territory within six miles of a railway 25c
- (e) If in unsurveyed territory within twelve miles of a railway 20c
- (f) If situate elsewhere in unsurveyed territory. 15c 5

The rental of mining rights when leased shall be one-half of the above rates.

Conditions of lease.

(2) Every such lease shall be subject to such covenants and conditions on the part of the lessee, his executors, administrators and assigns, to be paid, observed and performed, as shall 10 be provided by regulation.

Removal of machinery on expiry of lease.

(3) The said lease may among other things provide for the removal, in case of forfeiture or non-renewal of the lease, of any mining plant and machinery which the lessee, his executors, heirs and administrators shall have placed or erected 15 upon the said premises.

Expenditure upon lands leased.

(4) There shall be expended in stripping or in opening up mines or in sinking shafts or in other actual mining operations the like sums upon lands leased under the provisions of this Act as is provided by section 34 of *The Mines Act* R.S.O., 1897, as amended by this Act, shall be expended in the case of sales or grants and within the like periods, and in default of such expenditure the lease shall be forfeited and become absolutely void, and the said lands, mines and minerals shall, upon an Order in that behalf being made by the Lieutenant- 25 Governor in Council upon the report of the Director of the Bureau of Mines that such expenditure has not been made, revert to and become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever. 55 V. c. 30 9, s. 14.

Lease convertible into a patent.

(5) At the expiration of the said term of ten years for which a mining location has been leased, if the yearly rental has been paid and if all the covenants and conditions of the lease have been fulfilled, the lessee shall be entitled to receive 35 a patent for the location; or he may at any time during the demised term, upon payment of rent for the full period of the term and performance and fulfilment of all other covenants and conditions of the lease, obtain a patent for the location; and the provisions of this subsection may apply to 40 any mining locations heretofore leased under the terms of *the Mines Act*.

61 V. c. 11, s. 1, ss. 2, amended.

8. Subsection 2 of section 1 of chapter 11, 61 Victoria, being *An Act respecting Mining Claims*, is amended by striking out all the words between the word "regulation" in the third 45 line thereof and the word "such" in the fifth line thereof.

9. Section 2 of the said Act is amended by striking ^{61 V. c. 11,}
out the words "and in either case the working conditions shall ^{s. 2, amended.}
be deemed to be complied with when the equivalent of one
man's labor for the year in actual mining has been performed
5 as hereinafter required."

10. Section 3 of the said Act is amended by striking ^{61 V. c. 11,}
out the word "three" in the fifth line thereof and inserting ^{s. 3, amended.}
the word "four" in its place, and by striking out the word
"two" in the sixth line thereof and inserting the word
10 "three" in its place, and by inserting after the word
"obtain" in the ninth line thereof the words "a certificate of
full performance of the working conditions for the claim free
from any further working conditions, renewal fee or miner's
license to work the same, and also," and by inserting
15 after the words "working conditions" in the eleventh line
thereof the words "and miner's license to work the same,"
and by inserting after "1897" in the thirteenth line thereof
the words "the boundary lines in such survey to follow the
courses of the lines of the claim as originally staked out and
20 recorded, or as the lines may have subsequently been altered,
changed or corrected by the Inspector," and by adding
at the end thereof the words "and the Commissioner of
Crown Lands in granting patents under this subsection may
grant at the same price to the owner of a claim any con-
25 tiguous fraction or piece of land not staked of a less size than
ten acres if surrounded by staked claims."

11. Subsection 1 of section 8 of the said Act is amended by ^{61 V. c. 11,}
striking out all the words after the words "or if" at the end of
the fourth line thereof and by inserting in their place the words
30 "\$150 shall not be expended upon each claim taken up ex-
cept as hereinafter in this section provided in stripping, or
in opening up mines, in sinking shafts, or in other actual min-
ing operations, exclusive of all houses, roads and other like
improvements in every calendar year, and the said expenditure
35 shall consist of labor actually performed by grown men to be
computed at the rate of \$2 per man per day;" and sub-section
2 of the same section is amended by striking out the word
"four" in the first line thereof and inserting the word "five"
in its place.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Mines Act.

First Reading,
1899.

MT. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 222.]

BILL.

[1899.]

An Act to amend The Mines Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of *The Mines Act, R.S.O. 1897* is amended by repealing subsection 2 and substituting the following subsections in lieu thereof: Rev. Stat. c. 36, s. 11, amended.

(2) In the case of a blast furnace which uses charcoal or peat made within the Province as the sole fuel in smelting ores, payment may be made out of the Fund of fifty cents per ton on the proportion of pig metal the product of ores not mined in Ontario, subject to the condition that the following yearly proportions of Ontario ores are smelted therewith: In case of a charcoal furnace using foreign ores.

- (a) In first period of two years, not less than 20 per cent.
- (b) After two years, not less than 40 per cent.
- (c) After four years, not less than 60 per cent.
- (d) After six years, not less than 80 per cent.
- (e) After eight years, not less than 100 per cent.

And payment on the proportional product of Ontario ores shall be on the basis of one dollar per ton of pig metal. But in case the proportion of Ontario ores smelted in a blast furnace shall in any year of a period fall below the percentages herein specified, there shall in such year be deducted from the pay-

ment of fifty cents per ton on the product of ores not mined in the Province a percentage thereof equal to the percentage of deficiency in the requisite amount of Ontario ores; provided, however, that if the proportion of Ontario ores smelted in any year is less than 20 per cent., no payment shall be made out of the Fund to such furnace for that year ~~in~~ in respect of the product of ores not mined in the Province.

Not more than \$25,000 to be paid out in any year.

(3) Should so large a quantity of ore be raised or mined and smelted in any one year that the sum of \$25,000 will be insufficient to meet the payments provided for in the preceding subsections, then payments to the miners or producers thereof shall be made upon a *pro rata* basis, so that no more than \$25,000 shall be paid for the produce of ores in any one year. 57 V. c. 16, s. 13.

Rev. Stat.
c. 36, s. 14,
amended.

2. Section 14 of the said Act is amended by adding thereto the following subsection:—

Use of the
word Bureau.

(1) No person, firm, syndicate or company conducting a mining business of any sort or kind in the Province shall use the word "Bureau" to describe the name or title under which such business is carried on: and every person contravening this provision shall, for every day on which such contravention occurs, or continues, or is repeated, incur a fine of not more than \$20 and costs; and in default of payment of the fine and costs such person may be imprisoned for a period not exceeding one month.

Right to stake
out locations
in unsurveyed
territory.

3.—(1) Where a part of the Province in unsurveyed territory and outside of a Mining Division is shown to the satisfaction of the Commissioner of Crown Lands to have no value for pine timber, a prospector or an explorer for minerals may, under regulations made by the Lieutenant-Governor in Council, stake out not more than two mining locations of forty acres each in any one calendar year, subject to the general provisions and conditions of sections 26, 27, 28 and 29 of the said Act; and he may hold such locations for a period of two years subject to an expenditure of \$3 per acre in the first year and \$7 per acre in the second year for actual mining work, after which he shall be required to complete his application as provided in a case of ordinary sale or lease of a mining location in the said Act.

License.

(2) No prospector or explorer may proceed to stake out or develop a location under the provisions of this section unless and until he has procured from the Commissioner of Crown Lands a license so to do, for which he shall pay a fee of \$10, and such license shall continue in force for one year from the date thereof, and may be renewed from year to year upon payment of the same fee.

Rev. Stat.,
c. 36, s. 26,
subs. 4
amended.

4. Sub-section 4 of section 26 of the said Act is amended by adding thereto the words "together with the right to the Crown or its officers to lay out roads where deemed necessary."

5. Section 31 of the said Act is repealed and the following is substituted in lieu thereof:— Rev. Stat.
c. 36, s. 31,
amended

31. The price per acre of all Crown lands to be sold as Price of min-
ing land-.
minings lands or locations shall be :

- (a) If in surveyed territory within six miles of any railway \$3 50
- (b) If in surveyed territory within twelve miles of any railway 3 00
- (c) If situate elsewhere in surveyed territory..... 2 50
- (d) If in unsurveyed territory and within six miles of any railway..... 3 00
- (e) If in unsurveyed territory within twelve miles of any railway 2 50
- (f) If situate elsewhere in unsurveyed territory . . . 2 00

The price per acre for a patent of mining rights shall be one-half of the above rates.

6. Section 32 of the said Act is amended by striking out the word "ten" in the fifth line thereof, and inserting the word "five" in its stead. Rev. Stat.
c. 36, s. 32,
amended.

7. Section 34 of the said Act is amended by striking out the words "section 31" in the second line thereof and inserting the words "sections 31 and 32" in lieu thereof; and by inserting after the word "years" in the ninth line thereof the words "or its equivalent in less time"; and by adding thereto the following subsection : Rev. Stat.
c. 36, s. 34,
amended.

(3) It shall be the duty of the grantee, owner or holder of a mining location to make a report of the performance of the mining operations herein required according to a form which may be obtained on application to the Director of the Bureau of Mines, and such report duly verified by affidavit shall be completed and forwarded to the Director of the Bureau within thirty days after the end of the year or term of years, as the case may be, for which the expenditure is required. Duty in
regard to
report of ex-
penditure.

8. Section 35 of the said Act is repealed and the following is substituted therefor : Rev. Stat.
c. 36, s. 35,
repealed.

35—(1) Instead of granting any mining lands in fee simple the same may be leased or demised for a term of ten years, and unless otherwise provided by regulation the rental for the first year shall be \$1 per acre, and for each year of the term thereafter it shall be per acre : Leases of min-
ing lands
authorized.

- (a) If in surveyed territory within six miles of a rail- Rental.
way 30c
- (b) If in a surveyed township within twelve miles of
a railway 25c

- (c) If situate elsewhere in surveyed territory 20c
- (d) If in unsurveyed territory within six miles of a
railway 25c
- (e) If in unsurveyed territory within twelve miles of a
railway 20c
- (f) If situate elsewhere in unsurveyed territory. 15c

The rental of mining rights when leased shall be one-half of the above rates.

Conditions of
lease.

(2) Every such lease shall be subject to such covenants and conditions on the part of the lessee, his executors, administrators and assigns, to be paid, observed and performed, as shall be provided by regulation.

Removal of
machinery on
expiry of
lease.

(3) The said lease may among other things provide for the removal, in case of forfeiture or non-renewal of the lease, of any mining plant and machinery which the lessee, his executors, heirs and administrators shall have placed or erected upon the said premises.

Expenditure
upon lands
leased.

(4) There shall be expended in stripping or in opening up mines or in sinking shafts or in other actual mining operations the like sums upon lands leased under the provisions of this Act as is provided by section 34 of *The Mines Act* R.S.O., 1897, as amended by this Act, shall be expended in the case of sales or grants and within the like periods, and in default of such expenditure the lease shall be forfeited and become absolutely void, and the said lands, mines and minerals shall, upon an Order in that behalf being made by the Lieutenant-Governor in Council upon the report of the Director of the Bureau of Mines that such expenditure has not been made, revert to and become the property of and be vested in Her Majesty, her successors and assigns, and shall cease to be the property of any other person or persons whatsoever. 55 V. c. 9, s. 14.

Lease convert-
ible into a
patent.

(5) At the expiration of the said term of ten years for which a mining location has been leased, if the yearly rental has been paid and if all the covenants and conditions of the lease have been fulfilled, the lessee shall be entitled to receive a patent for the location; or he may at any time during the demised term, upon payment of rent for the full period of the term and performance and fulfilment of all other covenants and conditions of the lease, obtain a patent for the location; and the provisions of this subsection may apply to any mining locations heretofore leased under the terms of *The Mines Act*.

Rev. Stat.,
c. 36, s. 39
amended.

§ 9. Section 39 of the said Act is amended by inserting the words "or granted" after the word "sold" in the first line thereof. ~~REV~~

10. Subsection 2 of section 1 of chapter 11, 61 Victoria, bearing *An Act respecting Mining Claims*, is amended by striking out all the words between the word "regulation" in the third line thereof and the word "such" in the fifth line thereof. ^{61 V. c. 11, s. 1, ss. 2, amended.}

11. Section 2 of the said Act is amended by striking out the words "and in either case the working conditions shall be deemed to be complied with when the equivalent of one man's labor for the year in actual mining has been performed as hereinafter required." ^{61 V. c. 11, s. 2, amended.}

12. Section 3 of the said Act is amended by striking out the word "three" in the fifth line thereof and inserting the word "four" in its place, and by striking out the word "two" in the sixth line thereof and inserting the word "three" in its place, and by inserting after the word "obtain" in the ninth line thereof the words "a certificate of full performance of the working conditions for the claim free from any further working conditions, renewal fee or miner's license to work the same, and also," and by inserting after the words "working conditions" in the eleventh line thereof the words "and miner's license to work the same," and by inserting after "1897" in the thirteenth line thereof the words "the boundary lines in such survey to follow the courses of the lines of the claim as originally staked out and recorded, or as the lines may have subsequently been altered, changed or corrected by the Inspector," and by adding at the end thereof the words "and the Commissioner of Crown Lands in granting patents under this subsection may grant at the same price to the owner of a claim any contiguous fraction or piece of land not staked of a less size than ten acres if surrounded by staked claims." ^{61 V. c. 11, s. 3, amended.}

13. Subsection 1 of section 8 of the said Act is amended by striking out all the words after the words "or if" at the end of the fourth line thereof and by inserting in their place the words "\$150 shall not be expended upon each claim taken up except as hereinafter in this section provided in stripping, or in opening up mines, in sinking shafts, or in other actual mining operations, exclusive of all houses, roads and other like improvements in every calendar year, and the said expenditure shall consist of labor actually performed by grown men to be computed at the rate of \$2 per man per day;" and sub-section 2 of the same section is amended by striking out the word "four" in the first line thereof and inserting the word "five" in its place. ^{61 V. c. 11, s. 8, ss. 1 and 2, amended.}

2nd Session, 6th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Mines Act.

First Reading, 17th March, 1899.

Second Reading, 25th March, 1899.

*(Reprinted as amended in Committee of
the Whole.)*

Mr. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 223.]

BILL.

[1899.]

An Act to amend The Judicature Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 104 of *The Judicature Act* is hereby amended
5 by adding after the word “corporation” in the first line of
the said section the words “electric railway companies or
street railway companies whether incorporated by letters
patent or by statute”; and also by adding after the word
“sidewalks” in the third line of the said section the words “or
10 through the negligence of the servants or agents of the said
corporations or companies or of the said corporations or
companies themselves”; and also by adding after the word
“situated” in the last line of the said section the words “or
in which the said cause of action arose.”

Rev. stat.
c. 51, s. 104,
amended.

Certain act-
ions for dam-
ages to be
tried without
a jury.

No. 223.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.
An Act to amend The Judicature Act.

First Reading, 17th March, 1899.

MR. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act respecting Succession Duties.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Any sum payable under *The Succession Duty Act* shall
5 be recoverable with full costs of suit as a debt due to Her
Majesty from any person liable therefor by action in any
court of competent jurisdiction and it shall not in any case be
necessary to take the proceedings authorized by sections 6 to
10 of the said Act. Recovery of
succession
duties under
Rev. Stat. c.
24, by action

10 2. The High Court shall also have jurisdiction to determine
what property is liable to duty under the said Act, the amount
thereof and the time or times when the same is payable, and
may itself or through any referee exercise any of the powers
by which the said sections 6 to 10 are conferred upon any
15 officer or person. Matters to be
determined by
High Court in
action.

3. Subject to the discretion of the Court as to costs, an
action may be brought for any of the purposes in this Act
mentioned notwithstanding the time for the payment of the
duty has not arrived. Action may be
brought before
time for pay-
ment of duty.

20 4. In every such action Her Majesty's Attorney-General
shall have the same right either before or after the trial to
require the production of documents to examine parties or
witnesses or to take such other proceedings in aid of the action
as a plaintiff has or may take in an ordinary action. Production of
documents,
examination of
witnesses, etc.

Ordering trial
of issues.

5. Where for the better determining any question raised in any such action the Court deems it advisable to order the trial of an issue or issues it may give such directions in that behalf as it deems expedient.

References.

6. In case the Court shall think fit at any time to direct a reference such reference need not be to a surrogate registrar or to a sheriff but may be to any officer of the Court or to any other person as the Court deems proper. 5

Certain pro-
visions of Rev.
Stat. c. s. 49,
51, to apply to
actions.

7. Sections 75 to 80 of *The Judicature Act* and section 2 of *The Act Respecting the Supreme Court of Canada and The Exchequer Court of Canada* shall apply to actions brought in the High Court under this Act. 10

Declaration as
to liability of
property trans-
ferred before
death.

8. Where any property which has previous to the death of person whose estate is subject to duty been conveyed or transferred to some other person is declared liable to duty the Court may declare the duty to be a lien upon the property and may make such declaration although the amount of such duty has not been ascertained and where any property which had it remained in the hands of the person to whom or for whose benefit it was conveyed or transferred by such deceased person would have been liable to duty has been conveyed or transferred to any purchaser for valuable consideration the Court may direct the person to whom or for whose benefit the said property was conveyed or transferred by such deceased person as aforesaid to pay the amount of the duty to which such property would have been subject as aforesaid. 15 20 25

Registration
of caution.

9. In case it is claimed that any land or money secured by any mortgage or charge upon the land is subject to duty the Provincial Treasurer or the Solicitor to the Treasury acting in his behalf may when deemed necessary cause to be registered in the proper registry office or if the land is registered under *The Land Titles Act* in the proper office of land titles a caution stating that succession duty is claimed by the Provincial Treasurer in respect of the said land, mortgage or charge on account of the death of the deceased, naming him, and any subsequent dealing with such land, mortgage or charge shall be subject to the lien for such duty, but nothing herein contained shall affect the rights of the Crown to claim a lien independently of the said caution. 30 35

Rev. Stat. c.
138.

Retrospective
operation of
preceding pro-
visions.

10. The preceeding sections shall apply to the estates of all persons in respect of which the duty is claimed whether such persons have died before or shall die after the passing of this Act. 40

Rev. Stat. c. 24
s. 4 amended.

11. Section 4 of *The Succession Duty Act* is amended by inserting the following as clauses (g) and (h) of subsection 1. 45

(g) Any property of which a person dying after the coming into force of this section was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such 5 general or limited power as would if he were *sui juris* enable him to dispose of the property as he thinks fit or to dispose of the same for the benefit of his children or some of them, whether the power is exercisable by instrument *inter vivos* or by will or both, including the power exercisable by a tenant in tail 10 whether in possession or not but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was 15 or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose. (Imp. Act. 57-58, Vict. c. 22 ss. 2 (a), 22 (2).

Property over which deceased has power to dispose to liable to duty.

(h) Any estate in dower or by the courtesy in any land of 20 the person so dying to which the wife or husband of the deceased becomes entitled on the decease of such person. (Imp. Act 57-58, Vict. c. 22 (3).

Estates in dower or by the courtesy to be liable to duty.

12. In determining for the purposes of sub-sections 3 to 6 of section 4 of *The Succession Duty Act* the aggregate value 25 of the property of any person dying after this section takes effect, the value of his property situate outside of this Province shall be included as well as the value of the property situate within this Province.

Aggregate value of estate property out of province to be included.

13. No foreign executor or administrator shall assign or 30 transfer any stocks or shares in this Province standing in the name of a deceased person or in trust for him which are liable to pay succession duty until such duty is paid to the Treasurer of the Province or security given as required by section 5 of the said Act and any corporation allowing a transfer of any 35 stocks or shares contrary to this section shall be liable to pay the duty payable in respect thereof.

Foreign executors etc. not to transfer stocks, etc., until duty paid

BILL.

An Act respecting Succession Duties.

First Reading, 17th March, 1899.

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 224.]

BILL

[1899.

An Act respecting Succession Duties.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Any sum payable under *The Succession Duty Act* shall be recoverable with full costs of suit as a debt due to Her Majesty from any person liable therefor by action in any court of competent jurisdiction and it shall not in any case be necessary to take the proceedings authorized by sections 6 to 10 of the said Act. Recovery of succession duties under Rev. Stat. c. 24, by action

2. The High Court shall also have jurisdiction to determine what property is liable to duty under the said Act, the amount thereof and the time or times when the same is payable, and may itself or through any referee exercise any of the powers by which the said sections 6 to 10 are conferred upon any officer or person. Matters to be determined by High Court in action.

3. Subject to the discretion of the Court as to costs, an action may be brought for any of the purposes in this Act mentioned notwithstanding the time for the payment of the duty has not arrived. Action may be brought before time for payment of duty.

4. In every such action Her Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents to examine parties or witnesses or to take such other proceedings in aid of the action as a plaintiff has or may take in an ordinary action. Production of documents, examination of witnesses, etc.

Ordering trial
of issues.

5. Where for the better determining any question raised in any such action the Court deems it advisable to order the trial of an issue or issues it may give such directions in that behalf as it deems expedient.

References.

6. In case the Court shall think fit at any time to direct a reference such reference need not be to a surrogate registrar or to a sheriff but may be to the officer of the Court ^{as} provided by *The Judicature Act*.

Appeals in
actions under
Act.

^{as} 7. An appeal shall lie in an action brought under this Act wherever an appeal would lie if the action were between subject and subject and to the like tribunal.

Declaration as
to liability of
property trans-
ferred before
death.

8. Where any property which has previous to the death of person whose estate is subject to duty been conveyed or transferred to some other person is declared liable to duty the Court may declare the duty to be a lien upon the property and may make such declaration although the amount of such duty has not been ascertained and where any property which had it remained in the hands of the person to whom or for whose benefit it was conveyed or transferred by such deceased person would have been liable to duty has been conveyed or transferred to any purchaser for valuable consideration the Court may direct the person to whom or for whose benefit the said property was conveyed or transferred by such deceased person as aforesaid to pay the amount of the duty to which such property would have been subject as aforesaid.

Registration
of caution.

9. In case it is claimed that any land or money secured by any mortgage or charge upon the land is subject to duty the Provincial Treasurer or the Solicitor to the Treasury acting in his behalf may when deemed necessary cause to be registered in the proper registry office or if the land is registered under *The Land Titles Act* in the proper office of land titles a caution stating that succession duty is claimed by the Provincial Treasurer in respect of the said land, mortgage or charge on account of the death of the deceased, naming him, and any subsequent dealing with such land, mortgage or charge shall be subject to to the lien for such duty, but nothing herein contained shall affect the rights of the Crown to claim a lien independently of the said caution.

Rev. Stat. c.
138.

Retrospective
operation of
preceding pro-
visions.

10. The preceeding sections shall apply to the estates of all persons in respect of which the duty is claimed whether such persons have died before or shall die after the passing of this Act.

Rev. Stat. c. 24
s. 4 amended.

11. Section 4 of *The Succession Duty Act* is amended by inserting the following as clauses (g) and (h) of subsection 1.

(g) Any property of which a person dying after the coming into force of this section was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general or limited power as would if he were *sui juris* enable him to dispose of the property as he thinks fit or to dispose of the same for the benefit of his children or some of them, whether the power is exercisable by instrument *inter vivos* or by will or both, including the power exercisable by a tenant in tail whether in possession or not but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether the concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose. (Imp. Act. 57-58, Vict. c. 30 s. 2 (a), and s. 22 (2). Property over which deceased has power to dispose to be liable to duty.

(h) Any estate in dower or by the courtesy in any land of the person so dying to which the wife or husband of the deceased becomes entitled on the decease of such person. (Imp. Act 57-58, Vict. c. 30, s. 22 (3). Estates in dower or by the courtesy to be liable to duty.

12. In determining for the purposes of sub-sections 3 to 6 of section 4 of *The Succession Duty Act* the aggregate value of the property of any person dying after this section takes effect, the value of his property situate outside of this Province shall be included as well as the value of the property situate within this Province. Aggregate value of estate property out of province to be included.

13. No foreign executor or administrator shall assign or transfer any stocks or shares in this Province standing in the name of a deceased person or in trust for him which are liable to pay succession duty until such duty is paid to the Treasurer of the Province or security given as required by section 5 of the said Act and any corporation allowing a transfer of any stocks or shares contrary to this section shall be liable to pay the duty payable in respect thereof. Foreign executors etc. not to transfer stocks etc., until duty paid

14. Section 8 of *The Succession Duty Act* is hereby amended by substituting the word "four" for the word "five" in the twenty-third line thereof. Rev. Stat. c. 24, s. 8, amended.

15. The remedies herein provided shall be in addition to those provided by *The Succession Duties Act*.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act respecting Succession Duties.

First Reading, 17th March, 1899.
Second Reading, 24th March, 1899.

(*Reprinted as amended in Committee of the
Whole House.*)

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 225.]

BILL.

[1899.

An Act to amend The Separate Schools Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. In any portion of the Province not surveyed into town- Election of
5 ships, any number of heads of families not less than ten who trustees in
are Roman Catholics may at a public meeting called for that unsurveyed
purpose, elect three of their number to serve as school trustees, territory.
and the trustees so elected shall have all the powers of Rev. Stat.
trustees in unorganized townships and shall in all other c. 294.
10 respects be subject to the provisions of *The Separate Schools*
Act.

2. On receipt of notice by the Education Department signed Share in
by the trustees so elected, that a school has been established Legislative
and suitable accommodation provided for school purposes, the grant.
15 Minister of Education may pay over to the trustees out of the
appropriation made by the Legislature for public and separate
schools such sum of money for maintenance as may be
approved by the Lieutenant-Governor in Council.

Collection of
rates.

3. The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the supporters of their school, or the sums which the inhabitants or others may have subscribed or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as may be required by the trustees.

Powers and
duties of
collector.

4. Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner as a township collector in collecting rates in his township, as provided in The Municipal and Assessment Acts from time to time in force.

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Separate School
Act.

First Reading, 20th March, 1899.

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act respecting Executions and Sheriffs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Clause 6 of section 2 of *The Execution Act* is hereby
 5 amended by adding thereto the following words “but if a
 specific article claimed as exempt, be of a value greater than
 \$100 and there are not other goods sufficient to satisfy the
 execution such article may be sold by the sheriff who shall
 pay \$100 to the debtor out of the net proceeds, but no sale of
 10 such article shall take place unless the amount bid therefor
 shall exceed the said sum of \$100 and the cost of sale in
 addition thereto.”

Rev. Stat.
 c. 77, s. 2, cl. 6
 amended.

Exemptions
 from execu-
 tion where
 article valued
 at over \$100.

2. A writ of fieri facias or other writ of execution against
 goods or lands or both, shall bind the property in the goods or
 15 lands or both, as the case may be, of the execution debtor as
 from the time when the writ is delivered to the Sheriff to be
 executed; and for the better manifestations of such time it
 it shall be the duty of the Sheriff upon the receipt of any such
 writ, to endorse upon the back thereof, the minute, hour, day,
 20 month and year when he receives the same.

When writ to
 bind lands
 and goods.

3. The Sheriff may at the time of the delivery demand from
 any person delivering a writ of execution to him to be exe-
 cuted, the fees allowed to him by the tariff then in force for
 Sheriff may
 demand fees
 on delivery of
 writ of
 execution.

receiving warrant and return and the fees so paid shall if afterwards collected from the debtor be repaid by the Sheriff to the person who issued such writ.

Sheriff to be within the protection of Rev. Stat. c. 88.

4. A Sheriff shall be deemed an Officer within the meaning of section 1 of *The Act to Protect Justices of the Peace and others from Vexatious Actions.* 5

Rev. Stat. c. 17, s. 4, amended.

5. Section 4 of *The Act respecting the Office of Sheriff* is hereby amended by striking out all the words in sub-section 1 of said section 4 after the word "Delivery" in the 11th line of said sub-section, and substituting therefor the following words, namely, "and the sittings of the High Court in Toronto other than the sittings of the Weekly Court and the sittings to be attended as aforesaid by the Sheriff of the County of York." 10

Attendance at sittings of courts in Toronto.

Rev. Stat. c. 18, s. 2, suspended.

6. Section 2 of *The Act respecting the fees of certain Public Officers* is suspended from and after the first day of January 1899. 15

Fees of sheriff when acting under order of judge.

7. Where a Sheriff is directed by the Judge to perform any service or do any act for which no fee is provided the Sheriff may be allowed such fees as the Judge may think adequate and may direct and the same shall be payable by the Province or by the County or part by the Province and part by the County as the Judge may direct. 20

Rev. Stat. c. 80, s. 21, amended.

8. Section 21 of *The Act respecting Arrest and Imprisonment for Debt* is hereby amended by striking out the first four lines thereof, and substituting therefor the following: 25

Deposit in lieu of bail on arrest under civil process.

"In lieu of giving bail to a sheriff, a person arrested either on execution or mesne process, or any person on his behalf may deposit with the sheriff the amount for which he is arrested, and where the person is held under an order for arrest the further sum of \$40." 30

No. 226.

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act respecting Executions and Sheriffs.

First Reading, 20th March, 1899.

Mr. GARROW.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 226.]

BILL.

[1899.]

An Act respecting Executions and Sheriffs.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause 6 of section 2 of *The Execution Act* is hereby amended by adding thereto the following words "but if a specific article claimed as exempt, be of a value greater than \$100 and there are not other goods sufficient to satisfy the execution such article may be sold by the sheriff who shall pay \$100 to the debtor out of the net proceeds, but no sale of such article shall take place unless the amount bid therefor shall exceed the said sum of \$100 and the cost of sale in addition thereto."

Rev. Stat.
c. 77, s. 2, cl. 6
amended.

Exemptions
from execu-
tion where
article valued
at over \$100.

2. The Sheriff may at the time of the delivery demand from any person delivering a writ of execution to him to be executed, the fees allowed to him by the tariff then in force for receiving warrant and return and the fees so paid shall if afterwards collected from the debtor be repaid by the Sheriff to the person who issued such writ.

Sheriff may
demand fees
on delivery of
writ of
execution.

3. A Sheriff shall be deemed an Officer within the meaning of section 1 of *The Act to Protect Justices of the Peace and others from Vexatious Actions*.

Sheriff to be
within the
protection of
Rev. Stat.
c. 88.

4. Section 4 of *The Act respecting the Office of Sheriff* is hereby amended by striking out all the words in sub-section

Rev. Stat.
c. 17, s. 4,
amended.

Attendance at
courts in
Toronto.

1 of said section 4 after the word "Delivery" in the 11th line of said sub-section, and substituting therefor the following words, namely, "and the sittings of the High Court in Toronto other than the sittings of the Weekly Court and the sittings to be attended as aforesaid by the Sheriff of the County of York."

Rev. Stat.
c. 18, s. 2,
suspended.

5. Section 2 of *The Act respecting the fees of certain Public Officers* is suspended ~~as~~ in so far as it affects sheriffs as ~~the~~ from and after the first day of January 1899.

Fees of sheriff
when acting
under order of
judge.

6. Where a Sheriff is directed by the Judge to perform any service or do any act for which no fee is provided the Sheriff may be allowed such fees as the Judge may think adequate and may direct and the same shall be payable by the Province or by the County or part by the Province and part by the County as the Judge may direct.

Rev. Stat.
c. 80, s. 21,
amended.

7. Section 21 of *The Act respecting Arrest and Imprisonment for Debt* is hereby amended by striking out the first four lines thereof, and substituting therefor the following:

Deposit in
lieu of bail on
arrest under
civil process.

"In lieu of giving bail to a sheriff, a person arrested either on execution or mesne process, or any person on his behalf may deposit with the sheriff the amount for which he is arrested, and where the person is held under an order for arrest the further sum of \$40."

Rev. Stat.
c. 77, s. 10,
repealed.

~~19~~—(1) Section 10 of chapter 77 of The Revised Statutes of Ontario is hereby repealed and the following section substituted therefor:—~~the~~

Shares and
dividends and
equitable
interests
therein.

~~10~~ 10. All shares and dividends or any equitable or other right, property, interest or equity of redemption in or in respect of any shares or dividends in any incorporated bank or other incorporated company in Ontario having transferable joint stock shall be held to be personal property and shall be liable to bona fide creditors for debts and may be attached, seized and sold under execution in like manner as other personal property."~~the~~

Rev. Stat. c.
77, s. 17, sub-s.
1, repealed.

~~17~~ (2) Sub-section 1 of section 17 of the said Act is hereby repealed and the following sub-section substituted therefor:—~~the~~

Equitable
rights in
chattels.

~~17~~ (1) Under an execution against goods the sheriff or other officer to whom the same is directed may seize any equitable or other property right, interest or equity of redemption in or in respect of any goods or chattels, including leasehold interests in any lands of the party against whom the writ has issued and such sale shall convey whatever equitable or other right, property, interest or equity of redemption the last mentioned party had or was entitled to in or in respect of the goods and chattels at the time of the seizure."~~the~~

(3) Sub-section 2 of section 17 is hereby amended by adding thereto the words:—

Rev. Stat. c.
77, s. 17, sub-s.
2, amended.

“And in the case of an equitable or other right, property interest or equity of redemption in or in respect of any shares the procedure for seizure and sale shall be the same as hereinbefore provided in the case of shares and dividends.”

10. *The Act respecting the Fees of Officers engaged in the Administration of Justice*, chapter 101 of the Revised Statutes 1897, is amended by striking out of item 27 in that part of the schedule which relates to sheriffs, the words “to be taxed by the court or judge who passed the sentence.”

Rev. Stat.
c. 101, sched.
amended

2nd Session, 9th Legislature, 62 Vict. 1899.

BILL.

An Act respecting Executions and Sheriffs.

First Reading, 20th March, 1899.
Second Reading, 24th March, 1899.

*(Reprinted as amended in Committee of
Whole House.)*

Mr. GARROW.

TORONTO :

PRINTED BY J. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 227.]

BILL.

[1899.

An Act to amend The Municipal Drainage Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Section 9 of *The Municipal Drainage Act* is amended by
5 adding thereto the following subsection:

Rev. Stat.
c. 226, s. 9,
amended.

8. The report of the engineer shall be filed within six
months after the filing of the petition; provided that upon
the applicatoin of the engineer the time for filing the report
may be extended from time to time for additional periods of
10 six months, when the council is satisfied that owing to the
nature of the work it was impracticable for the report of the
engineer to be completed within the time limited by law.

Time for filing
report of
engineer.

9. In case the engineer neglects to make his report within
the time limited by the preceding subsection, or within the
15 time fixed by the council under the said subsection, he shall
forfeit all claim for compensation for the work done by him
upon the drain, and the council may employ some other
engineer to make the examination, report and assessment
required by the preceding section.

If engineer
neglects to do
work council
may appoint
another.

No. 227.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Municipal Drainage
Act.

First Reading, 21st March, 1899.

MR. FERGUSON.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to amend the Statute Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The forms of oath to be taken by manhood suffragè voters applying for registration under *The Manhood Suffrage Registration Act*, being forms 9 and 10 in the schedule to the said Act as amended by *The Act to amend the Manhood Suffrage Registration Act* passed in the 61st year of Her Majesty's reign, chaptered 4, are amended by striking out the sixth paragraph in each of the said forms and inserting the following in lieu thereof:

Forms of
oaths under
Rev. Stat. c.
8 amended.

“(6) That during the said period of three months you were residing at (f) in this municipality and that you now reside at (ff)

15 The notes lettered (f) appended to each of the said forms are repealed and the following substituted therefor:

(f) Insert here the street and number of the house, or each of the houses, where the applicant resided during the said period of three months if they have street numbers, and if they have not street numbers then insert instead a brief description that will define the locality of each place of residence.

(ff) Insert here the street and number of the house where the applicant resides if it has a street number and if it has not then insert instead a brief description that will define its locality.

2. Subsection 4 of section 2 of *The Ontario Voters' Lists Act* is amended by adding thereto the following words: “In Rev. Stat. c. 7, s. 2, (4), amended.

Revision of
voters' lists in
the districts.

case of their being no Stipendiary Magistrate for any of the said districts or in case of the absence or illness of the Stipendiary Magistrate all the jurisdiction, duties and powers of that officer shall belong to and be performed and exercised by the District Judge." [See Rev. Stat. Cap. 109, Sec. 41 (2)].

5

Rev. Stat.
c. 51, s. 145,
amended.

3. Section 145 of *The Judicature Act* is amended by adding thereto the following subsections:

Local masters,
appointment
of more than
one in any
county.

(2) The power of appointing local masters hereby conferred shall be deemed to include and to have always included power to appoint more than one local master in a county or union of counties and any such appointments heretofore made and all acts done by persons so appointed are confirmed, subject to any right of appeal which may exist on grounds other than those relating to the validity of any such appointment. 10

When county
judge may
act for local
master.

(3) In case of the illness or absence of a local master or upon his request in writing to be filed with the local registrar the judge, or junior judge or deputy judge (if any) of the county, after approval by the Lieutenant-Governor in Council, may act as such local master and while so acting shall have all the powers and may perform all the duties of such local master unless the Lieutenant-Governor in Council shall otherwise direct. 15 20

Rev. Stat.
c. 51, s. 159,
subs. 2,
amended.

4. Subsection 2 of section 159 of *The Judicature Act* is amended by adding thereto the following words, and the said subsection as so amended shall be deemed and held to have been in force since the coming into force of the Revised Statutes of Ontario, 1897: 25

Moneys, etc.,
vested in
Accountant,
Guardian, etc.
to be deemed
to be held in
trust for
Crown.

"All moneys and securities for money vested in or held by the said Accountant or by the Official Guardian ad litem, or either of them, or by any one appointed to discharge the duties of either of said officers shall be deemed to be vested in them in trust for Her Majesty. All such moneys and the proceeds of such securities shall nevertheless be paid out in accordance with any statute or with any rule, judgment, decree, or order of court, or Order-in-Council or otherwise as heretofore or as may be provided or directed by any such statute, rule, judgment, decree, or order, or Order-in-Council." 30 35

Rev. Stat.
c. 51, s. 161a,
amended.

5. Section 161a of *The Judicature Act* added thereto by *The Act respecting the Investment of Court Funds*, 61 Victoria, chapter 13, is hereby repealed and the following substituted therefor: 40

Investments
of court funds
in municipal
debentures.

161a. The Supreme Court of Judicature for Ontario may, if it shall see fit, authorize the investment of any of the funds standing in Court in the purchase of any debentures issued by any municipality in Ontario, and in case any such investment 45

shall be so made the debentures so purchased shall not thereafter be questioned and shall be deemed to be valid to all intents and purposes.

6. Section 3 of *The Local Courts Act*, chapter 54 of the Rev. Stat. c. 54, s. 3, amended.
5 Revised Statutes, 1897, is amended by adding thereto the following proviso :

“Provided that any person who has been a practising solicitor Qualification of county judges.
for five years before becoming a barrister may be appointed if of seven years standing at the Bar of Ontario, and any person
10 who has been a practising solicitor for ten years before becoming a barrister may be appointed if of five years standing at the bar of Ontario. Provided further that where in any county it is expedient by reason of the common use of two or more languages by the inhabitants thereof to appoint a judge
15 who is conversant with more than one language, a barrister who is so conversant may be appointed if of seven years’ standing at the bar of Ontario.”

7. Subsection 5 of section 5 of *The Local Courts Act*, chapter 54 of the Revised Statutes, 1897, is amended by inserting after the word “Renfrew” in the fourth line of the said subsection the words “Prescott and Russell.” Rev. Stat. c. 54, s. 5 (5) amended.
20 Junior judges in Prescott and Russell.

8. No affidavit in any action in a Division Court, sworn before the Solicitor or Agent of the party on whose behalf it was made, or before the clerk or partner of such Solicitor or
25 Agent, shall be used, unless the Judge for special reasons otherwise orders. Affidavit in Division Courts.

9. Section 104 of *The Division Courts Act* is repealed and the following substituted therefor : Rev. Stat. c. 60, s. 104 repealed.

104. The Judge shall as regards the service of all summonses or other process in any matters within the jurisdiction of the Division Court have powers to grant orders for substitutional or other service by advertisement or otherwise in as full and ample a manner as might be done in like cases by the High Court under the existing rules of practice. (See Con.
35 rule 146). Substitutional service.

10. *The Division Courts Act* is amended by adding thereto the following section : Power to direct nonsuit or dismissal action.

175a. In all cases of trial by jury the judge shall have power to determine after hearing the whole evidence or the
40 evidence adduced by or on behalf of the plaintiff alone whether there is in law any evidence in support of the plaintiff’s case which ought to be submitted to the jury to pass upon, and if in his opinion there is no such evidence adduced in support of the plaintiff’s claim he may direct a nonsuit or dismiss the
45 action ; and in case of trial by jury the judge may direct the jury to answer any questions of fact stated to them by him for Submitting questions to jury.

the purpose and in such case the jury shall answer such questions and upon such answers the judge shall enter such judgment as in his opinion may be proper. The judge shall as in other courts determine the law and shall direct the jury thereon.

5

Rev. Stat. c. 60, s. 202 amended.

11. Section 202 of *The Division Courts Act* is amended by adding thereto the following subsection :

Right to jury in certain cases.

(2) The provisions of section 160 and the following sections of this Act relating to juries shall apply and extend to claims to be adjudicated upon under this section so as to give either party a right to require a jury where the amount claimed exceeds \$30. 10

Rev. Stat. c. 61, s. 103 amended.

Empannelling grand jurors.

12. Section 103 of *The Jurors' Act*, chapter 61 of the Revised Statutes 1897 is amended by substituting the word "thirteen" for the word "twelve" in the first and eleventh lines, and the word "shall" for the word "may" in the seventh line of the said section. (See sec. 66, subs. 3). 15

Rev. Stat. c. 62, amended.

13. *The Arbitration Act*, chapter 62 of the Revised Statutes 1897 is amended by adding thereto the following section : 20

Submission or reference not revoked by death.

52. No submission or reference to arbitration heretofore or hereafter made shall be deemed to have been or be revoked by the death of any party thereto whether occurring before or after the passing of this Act.

Rev. Stat. c. 78, s. 32, amended.

14. Section 32 of *The Creditors' Relief Act*, chapter 78 of the Revised Statutes, 1897, is amended by adding the following thereto as clause 8. 25

Rights of subsequent execution creditors where first execution followed by a mortgage or sale.

8. In case an execution debtor shall subsequent to the receipt of the first execution by the sheriff and before the time for execution has expired have executed any mortgage or chattel mortgage or otherwise charged any portion of his estate, the giving of such mortgage or other security shall not have the effect of preventing subsequent execution creditors or other creditors who shall have filed their claims as required by this Act from sharing in the distribution of the moneys realized by the sheriff, or the sheriff from selling the interest seized under the first execution, but in distributing the moneys so realized, the said sheriff shall deduct the amount of any incumbrance so created pro rata from the amount which would otherwise be payable to the said subsequent creditors. 30 35 40

Rev. Stat. c. 109, s. 24 amended.

15. Section 24 of *The Unorganized Territory Act* is amended by adding thereto the following subsection :

When district judge to be a selector of jurors.

(1a) Where the offices of clerk or deputy clerk of the district court and registrar of deeds are held by the same person the judge of the district court shall be one of the selectors of jurors. 45

16. Section 56 of *The Unorganized Territory Act*, chapter 109 of the Revised Statutes 1897 is hereby amended by adding thereto, the following subsection : Rev. Stat. c. 109, s. 56 amended.

(3) If the district judge, the sheriff and the division court inspector certify to the Lieutenant-Governor that in any division, from the amount of business, remoteness or inaccessibility, it is expedient that a court should not be held so often as once in every three months, the Lieutenant-Governor in Council may from time to time direct the court to be held at such periods as he considers expedient, but a court shall be held in the division at least once in every six months Time of holding courts.

17. Section 41 of *The Real Property Limitation Act*, chapter 133 of the Revised Statutes, 1897, is amended by striking out the word "or" where it secondly occurs in the third line of said section. Rev. Stat. c. 133, s. 41 amended.

18.—(1) Any persons with whom trust moneys have been deposited or to whose hands trust moneys have come, may in case the trustee has been absent from the Province for a period of a year and is not likely to return at an early date or in the event of the trustee's death, pay the same into the High Court under and in conformity with the provisions of law for the relief of trustees. Relief of person with whom trust moneys deposited.

(2) This section shall extend to a case where there are more trustees than one and the trustee or trustees in the Province cannot give an acquittance for the money.

19. Section 28 of *The Marriage Act*, chapter 162 of the Revised Statutes, 1897, shall apply and extend to all marriages heretofore solemnized by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches or denominations to which they belong, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this Province. Application of Rev. Stat. c. 162, s. 28, extended. Marriages solemnized by non-resident clergymen.

20. Section 39 of *The Ontario Land Surveyor's Act*, chapter 180 of the Revised Statutes 1897, is hereby amended by substituting "\$10" for "\$1" in clause 3 of the said section. [See 55 Vict. cap. 24, sec. 7 (3).] Rev. Stat. c. 180, s. 39. amended.

21. No director of any company shall be adjudged to have become or to be liable to any penalty under section 2 of *The Act respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chapter 26, by reason of any written contract or undertaking of the company not having distinctly written or printed on the face thereof after the name of the company where the same first occurs in such contract or undertaking the word "limited" or the words "limited liability" or by reason of the Penalty for non-compliance with 52 V., c. 26, restricted.

use of the abbreviation "Ltd." instead of the unabbreviated word or words aforesaid unless it is proved that loss has thereby resulted to the person suing and in such case the amount recoverable shall not exceed the loss proved as aforesaid.

5

Retroactive
operation by,
61 V. c. 19,
s. 4.

22. Sub-section 7 of section 23 of *The Ontario Companies Act* (added thereto by 61 Victoria, chapter 19, section 4) shall be held to apply and to have applied from the passing thereof to then and now past as well as future cases or transactions except in any case in which judgment has been heretofore 10 delivered.

Disqualifica-
tion for
council, etc.

23. No person shall be disqualified from being elected a member of the council of any municipal corporation or from being elected a member of any public school, separate school or high school board, or from sitting and voting in such 15 council or board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which from time to time official advertisements are inserted by the council or board which appear in other newspapers or publications in the municipality or school district, or 20 which is subscribed for by the council or board or by any of the departments or offices of the municipality or school district, although such advertisements or subscriptions are paid for at the usual rate out of the moneys of the municipal corporation or school board, but this shall not apply to any 25 person who has entered into an agreement or contract with a municipal corporation or school board, to do at a specified rate all or the greater part of the printing required by such corporation or board during the term of such agreement or contract.

30

Rev. Stat. c.
207, s. 20 (8),
amended.
Taxation of
costs of arbi-
tration.

24. Subsection 8 of section 20 of *The Railway Act of Ontario* is amended by striking out the words "by the Judge aforesaid" occurring in the last line thereof and substituting the words "by the clerk of the county court."

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend the Statute Law.

First Reading, 21st March, 1899.

The ATTORNEY GENERAL.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend the Statute Law.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The forms of oath to be taken by manhood suffrage voters applying for registration under *The Manhood Suffrage Registration Act*, being forms 9 and 10 in the schedule to the said Act as amended by *The Act to amend the Manhood Suffrage Registration Act* passed in the 61st year of Her Majesty's reign, chaptered 4, are amended by striking out the sixth paragraph in each of the said forms and inserting the following in lieu thereof:

Forms of
oaths under
Rev. Stat. c.
8 amended.

“(6) That during the said period of three months you were residing at (f) in this municipality and that you now reside at (ff)

The notes lettered (f) appended to each of the said forms are repealed and the following substituted therefor:

(f) Insert here the street and number of the house, or each of the houses, where the applicant resided during the said period of three months if they have street numbers, and if they have not street numbers then insert instead a brief description that will define the locality of each place of residence.

(ff) Insert here the street and number of the house where the applicant resides if it has a street number and if it has not then insert instead a brief description that will define its locality.

2. Subsection 4 of section 2 of *The Ontario Voters' Lists Act* is amended by adding thereto the following words: “In Rev. Stat. c. 7, s. 2, (4). amended.

Revision of
voters' lists in
the districts.

case of their being no Stipendiary Magistrate for any of the said districts or in case of the absence or illness of the Stipendiary Magistrate all the jurisdiction, duties and powers of that officer shall belong to and be performed and exercised by the District Judge." [See Rev. Stat. Cap. 109, Sec. 41 (2)].

Rev. Stat.
c. 51, s. 145,
amended.

3. Section 145 of *The Judicature Act* is amended by adding thereto the following subsections:

Local masters,
appointment
of more than
one in any
county.

(2) The power of appointing local masters hereby conferred shall be deemed to include and to have always included power to appoint more than one local master in a county or union of counties and any such appointments heretofore made and all acts done by persons so appointed are confirmed, subject to any right of appeal which may exist on grounds other than those relating to the validity of any such appointment.

When county
judge may
act for local
master.

(3) In case of the illness or absence of a local master or upon his request in writing to be filed with the local registrar the judge, or junior judge or deputy judge (if any) of the county, after approval by the Lieutenant-Governor in Council, may act as such local master and while so acting shall have all the powers and may perform all the duties of such local master unless the Lieutenant-Governor in Council shall otherwise direct.

Rev. Stat.
c. 51, s. 159,
subs. 2,
amended.

4. Subsection 2 of section 159 of *The Judicature Act* is amended by adding thereto the following words, and the said subsection as so amended shall be deemed and held to have been in force since the coming into force of the Revised Statutes of Ontario, 1897:

Moneys, etc.,
vested in
Accountant,
Guardian, etc.
to be deemed
to be held in
trust for
Crown.

"All moneys and securities for money vested in or held by the said Accountant or by the Official Guardian ad litem, or either of them, or by any one appointed to discharge the duties of either of said officers shall be deemed to be vested in them in trust for Her Majesty. All such moneys and the proceeds of such securities shall nevertheless be paid out in accordance with any statute or with any rule, judgment, decree, or order of court, or Order-in-Council or otherwise as heretofore or as may be provided or directed by any such statute, rule, judgment, decree, or order, or Order-in-Council."

Rev. Stat.
c. 51, s. 161a,
amended.

5. Section 161a of *The Judicature Act* added thereto by *The Act respecting the Investment of Court Funds*, 61 Victoria, chapter 13, is hereby repealed and the following substituted therefor:

Investments
of court funds
in municipal
debentures.

161a. The Supreme Court of Judicature for Ontario may, if it shall see fit, authorize the investment of any of the funds standing in Court in the purchase of any debentures issued by any municipality in Ontario, ~~and~~ except incorporated villages, ~~and~~

and in case any such investment shall be so made the debentures so purchased shall not thereafter be questioned and shall be deemed to be valid to all intents and purposes.

6. Section 3 of *The Local Courts Act*, chapter 54 of the Revised Statutes, 1897, is amended by adding thereto the following proviso: Rev. Stat. c. 54, s. 3, amended.

“Provided that any person who has been a practising solicitor for five years before becoming a barrister may be appointed if of seven years standing at the Bar of Ontario, and any person who has been a practising solicitor for ten years before becoming a barrister may be appointed if of five years standing at the bar of Ontario. Provided further that where in any county it is expedient by reason of the common use of two or more languages by the inhabitants thereof to appoint a judge who is conversant with more than one language, a barrister who is so conversant may be appointed if of seven years’ standing at the bar of Ontario.” Qualification of county judges.

7. No affidavit in any action in a Division Court, sworn before the Solicitor or Agent of the party on whose behalf it was made, or before the clerk or partner of such Solicitor or Agent, shall be used. Affidavit in Division Courts.

8. Section 104 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat. c. 60, s. 104 repealed.

104. The Judge shall as regards the service of all summonses or other process in any matters within the jurisdiction of the Division Court have powers to grant orders for substitutional or other service by advertisement or otherwise in as full and ample a manner as might be done in like cases by the High Court under the existing rules of practice. (See Con. rule 146). Substitutional service.

9. *The Division Courts Act* is amended by adding thereto the following section: Power to direct non-suit or dismiss action.

175a. In all cases of trial by jury the judge shall have power to determine after hearing the whole evidence or the evidence adduced by or on behalf of the plaintiff alone whether there is in law any evidence in support of the plaintiff’s case which ought to be submitted to the jury to pass upon, and if in his opinion there is no such evidence adduced in support of the plaintiff’s claim he may direct a nonsuit or dismiss the action; and in case of trial by jury the judge may direct the jury to answer any questions of fact stated to them by him for the purpose and in such case the jury shall answer such questions and upon such answers the judge shall enter such judgment as in his opinion may be proper. The judge shall as in other courts determine the law and shall direct the jury thereon. Submitting questions to jury.

Rev. Stat. c.
60, s. 202
amended.

10. Section 202 of *The Division Courts Act* is amended by adding thereto the following subsection :

Right to jury
in certain
cases.

(2) The provisions of section 160 and the following sections of this Act relating to juries shall apply and extend to claims to be adjudicated upon under this section so as to give either party a right to require a jury where the amount claimed exceeds \$30.

Rev. Stat.
c. 61, s. 103
amended.
Empannelling
grand jurors.

11. Section 103 of *The Jurors' Act*, chapter 61 of the Revised Statutes 1897 is amended by substituting the word "thirteen" for the word "twelve" in the first and eleventh lines, and the word "shall" for the word "may" in the seventh line of the said section. (See sec. 66, subs. 3).

Rev. Stat.
c. 62, amended.

12. *The Arbitration Act*, chapter 62 of the Revised Statutes 1897 is amended by adding thereto the following section :

Submission or
reference not
revoked by
death.

52. No submission or reference to arbitration heretofore or hereafter made shall be deemed to have been or be revoked by the death of any party thereto whether occurring before or after the passing of this Act.

Rev. Stat.
c. 78, s. 32,
amended.

13. Section 32 of *The Creditors' Relief Act*, chapter 78 of the Revised Statutes, 1897, is amended by adding the following thereto as clause 8.

Rights of sub-
sequent execu-
tion creditors
where first ex-
ecution follow-
ed by a
mortgage or
sale.

8. In case an execution debtor shall subsequent to the receipt of the first execution by the sheriff and before the time for *distribution* has expired have executed any mortgage or chattel mortgage or otherwise charged any portion of his estate, the giving of such mortgage or other security shall not have the effect of preventing subsequent execution creditors or other creditors who shall have filed their claims as required by this Act from sharing in the distribution of the moneys realized by the sheriff, or the sheriff from selling the interest seized under the first execution, but in distributing the moneys so realized, the said sheriff shall deduct the amount of any incumbrance so created pro rata from the amount which would otherwise be payable to the said subsequent creditors.

Rev. Stat.
c. 109, s. 24
amended.

14. Section 24 of *The Unorganized Territory Act* is amended by adding thereto the following subsection :

When district
judge to be a
selector of
jurors.

(1a) Where the offices of clerk or deputy clerk of the district court and registrar of deeds are held by the same person the judge of the district court shall be one of the selectors of jurors.

Rev. Stat.
c. 109, s. 56
amended.

15. Section 56 of *The Unorganized Territory Act*, chapter 109 of the Revised Statutes 1897 is hereby amended by adding thereto, the following subsection :

(3) If the district judge, the sheriff and the division court inspector certify to the Lieutenant-Governor that in any division, from the amount of business, remoteness or inaccessibility, it is expedient that a court should not be held so often as once in every three months, the Lieutenant-Governor in Council may from time to time direct the court to be held at such periods as he considers expedient, but a court shall be held in the division at least once in every six months

Time of holding courts.

16. Section 41 of *The Real Property Limitation Act*, chapter 133 of the Revised Statutes, 1897, is amended by striking out the word "or" where it secondly occurs in the third line of said section.

Rev. Stat. c. 133, s. 41 amended.

17. Section 28 of *The Marriage Act*, chapter 162 of the Revised Statutes, 1897, shall apply and extend to all marriages heretofore solemnized by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches or denominations to which they belong, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this Province.

Application of Rev. Stat. c. 162, s. 28, extended.

Marriages solemnized by non-resident clergymen.

18. Section 39 of *The Ontario Land Surveyor's Act*, chapter 180 of the Revised Statutes 1897, is hereby amended by substituting "\$10" for "\$1" in clause 3 of the said section. [See 55 Vict. cap. 34, sec. 7 (3).]

Rev. Stat. c. 180, s. 39, amended.

19. No director of any company shall be adjudged to have heretofore become ^{as} or shall hereafter become ^{be} liable to any penalty ^{as} or to have incurred any liability ^{be} under section 2 of *The Act respecting the Limited Liability of Incorporated Companies*, passed in the 52nd year of Her Majesty's reign, chapter 26, by reason of any written contract or undertaking of the company not having distinctly written or printed on the face thereof after the name of the company where the same first occurs in such contract or undertaking the word "limited" or the words "limited liability" or by reason of the use of the abbreviation "Ltd." instead of the unabbreviated word or words aforesaid.

Penalty for non-compliance with 52 V., c. 26, restricted.

20. Sub-section 7 of section 23 of *The Ontario Companies Act* (added thereto by 61 Victoria, chapter 19, section 4) shall be held to apply and to have applied from the passing thereof to then and now past as well as future cases or transactions except in any case in which judgment has been heretofore delivered.

Retroactive operation by, 61 V. c. 19, s. 4.

21. No person shall be disqualified from being elected a member of the council of any municipal corporation or from being elected a member of any public school, separate school or high school board, or from sitting and voting in such

Disqualification for council, etc.

council or board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which from time to time official advertisements are inserted by the council or board which appear in other newspapers or publications in the municipality or school district, or which is subscribed for by the council or board or by any of the departments or offices of the municipality or school district, although such advertisements or subscriptions are paid for at the usual rate out of the moneys of the municipal corporation or school board, but this shall not apply to any person who has entered into an agreement or contract with a municipal corporation or school board, to do at a specified rate all or the greater part of the printing required by such corporation or board during the term of such agreement or contract, ~~but~~ but such member of council or school board shall not be entitled to vote where his own account is in question. ~~the~~

Rev. Stat. c.
207, s. 20 (8),
amended.
Taxation of
costs of arbi-
tration.

22. Subsection 8 of section 20 of *The Railway Act of Ontario* is amended by striking out the words "by the Judge aforesaid" occurring in the last line thereof and substituting the words "by the clerk of the county court."

Rev. Stat. s.
22, amended.

~~22~~ **23.** Section 22 of *The Manhood Suffrage Registration Act* is amended by adding thereto the following, as article (a): ~~the~~

Sittings of
registrars.

~~22~~ (a) But in cities where the population is 20,000 or less according to the last assessor's enumeration it shall be sufficient if the registrars shall hold their sittings on three separate days instead of four, one of the said days being Saturday. ~~the~~

Rev. Stat. c.
104, amended.

~~24~~ **24.** *The Act respecting the Administration of Justice in Criminal Matters*, chapter 104 of the Revised Statutes 1897, is amended by striking out item 2 in that part of the schedule of the said Act relating to Clerks of the Peace, and substituting the following therefor:—~~the~~

~~24~~ "2. Attending each General Sessions—(Tariff Item 2)."~~the~~

Forests
reserves.

~~25~~ **25.** The Commissioner of Crown Lands for the purpose of creating forest reserves may arrange with any holder of timber limits which have been cut over and upon which young pine is growing or which the Commissioner of Crown Lands is satisfied will generally reproduce pine timber for the surrender of such limits or any part thereof and upon such terms and conditions as to remission of any timber dues or ground rent or any part thereof which may be due or owing to the Crown in respect thereof and upon such other conditions as may be set forth in the report to the Commissioner of Crown Lands approved by the Lieutenant-Governor in Council, but no payment of money shall be made for such surrender until an appropriation for such purpose has been made by the Legislature. The order in council and the report of the Commissioner of Crown Lands shall be laid upon the table of the Legislative Assembly within the first two weeks of the session next after the date of the order in council. ~~the~~

Surrender of
cut over
timber land.

No. 228.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Statute Law.

First Reading, 21st March, 1899.
Second Reading, 24th March, 1899.

*(Reprinted as amended by Committee of
the Whole.)*

THE ATTORNEY GENERAL.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 229.]

BILL.

[1899.

An Act to erect Manitoulin into a Provisional Judicial District.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1—(1) From and after the day named for this Act taking effect the territory now comprising the Territorial District of Manitoulin is hereby detached from the Provisional Judicial District of Algoma and Manitoulin and with the following additional territory, namely, the Township of Humboldt, together with the Grondine Indian Reserve in front thereof; the Township of Carlyle; the Township of Rutherford, including Killarney Village; also all that part of the mainland lying west of the Township of Carlyle and bounded on the north by the south limits of townships or timber berths numbers 82 and 90, and on the south by the waters of the Georgian Bay, which is detached from the Territorial District of Algoma and attached to Manitoulin is hereby formed into a Provisional Judicial District by the name of "The Provisional Judicial District of Manitoulin" as if the same had been so declared by the Lieutenant-Governor under *The Unorganized Territory Act*; and the enactments contained in the said Act relating to Provisional Judicial Districts formed by proclamation shall apply to the said district except where inconsistent with this Act.

(2) The remainder of the District of Algoma shall hereafter form the Provisional Judicial District of Algoma.

Power to
make appoint-
ments.

2. Any appointments to be made under this Act, and any security to be given or oaths taken, may be made, given or taken at any time after the passing hereof.

Rev. Stat.
c. 109, s. 2
repealed.

3. Section 2 of *The Unorganized Territory Act* is repealed and the following substituted therefor:—

5

Provisional
Judicial
Districts.

2. Subject to the provisions of this Act the Territorial Districts of Thunder Bay, Rainy River, Algoma, Manitoulin, Nipissing, Muskoka, and Parry Sound shall each form a Provisional Judicial District. (See Proclamation of Feby. 21st, 1898, as to Parry Sound and Rainy River.)

10

Judge of
Manitoulin to
have jurisdic-
tion in part of
Algoma as to
division courts
and voters'
lists.

4. The district judge of the Provisional Judicial District of Manitoulin shall have and shall exercise, as regards the holding of division courts and the revision of voters' lists, the same jurisdiction in that part of the Provisional Judicial District of Algoma hereinafter mentioned as he has in the District of 15 Manitoulin, namely, all that part of the said District of Algoma bounded on the east by the east limit of the said district, on the west by the west boundaries of the townships of Moncreiff, Hart, Ermatinger, Totten, Hyman, Nairn, Foster, the west boundary of Foster produced south to the La Cloche 20 Indian Reserve, and by the east boundary of the La Cloche Indian Reserve; on the north by the north limits of the townships of Moncreiff, Hess, and Hess produced east to the east limit of the district aforesaid; and on the south by the waters of the Georgian Bay and the south limits of townships or tim- 25 ber berths numbers 90 and 82, of Township of Goschen, and of township or timber berth number 57.

Rev. Stat.
c. 109, ss. 9-11
amended.

5. Subsection 2 of section 9, subsection 1 of section 10, and subsection 1 of section 11 of the said Act are amended by striking out the words "Algoma and Manitoulin and of Thun- 30 der Bay and Rainy River" where they occur in the said subsections, and substituting therefor the words "Algoma, Manitoulin, Thunder Bay, and of Rainy River."

Rev. Stat.
c. 109, s. 15
amended.

6. Section 15 of the said Act is amended by striking out the words "District of Thunder Bay and" and substituting there- 35 for the words "Districts of Thunder Bay and of."

Rev. Stat.
c. 109, s. 21
amended.

7. Clause 4 of section 21 of the said Act is repealed and the following substituted therefor:—

4. "At Gore Bay on the last Tuesday of the month of May and the third Tuesday of the month of October."

40

Rev. Stat.
c. 109, s. 22
amended.

8. Section 22 of the said Act is amended by inserting after the word "Bracebridge" the words "Gore Bay."

Rev. Stat.
c. 109, s. 57
amended.

9. Section 57 of the said Act is amended by striking out the words "except as in the next subsection provided" at the

end of subsection 1 and substituting the words "except where otherwise provided," and by repealing subsection 2 of the said section.

10. Subsection 1 of section 93 of the said Act is amended by Rev. Stat. c. 109, s. 93 amended.
 5 striking out the words "Algoma and Manitoulin and of Thunder Bay and Rainy River" and substituting therefor the words
 "Algoma, Manitoulin, Thunder Bay, or Rainy River."

11. Sections 12, 13, 14, 28 and 29, subsection 2 of section Rev. Stat. c. 109, ss. 12, 13, 14, 28, 29, 17 (2), 20 (3) and 37 (3) repealed.
 17, subsection 3 of section 20, and subsection 3 of section 37,
 10 of the said Act are hereby repealed.

12. Section 2 of this Act shall go into force on the passing Time Act comes in force.
 hereof, and the other parts of this Act shall come into force at
 such time as may be named by Order of the Lieutenant-
 Governor in Council. After the day named by said Order in
 15 Council and until a District Judge shall be appointed for the
 Provisional Judicial District of Manitoulin, except where it is
 by this Act otherwise provided, the judge of the Provisional
 Judicial District of Algoma and Manitoulin shall have juris-
 diction and authority in respect of all matters and things in
 20 the said Provisional Judicial District of Manitoulin, and also
 in the Provisional Judicial District of Algoma as at present.

13. Until a judge shall be appointed for the Provisional Junior judge of Algoma to act in certain matters until judge appointed.
 Judicial District of Manitoulin, the junior judge of Algoma
 and Manitoulin shall hold the division courts and revise the
 25 voters' lists in the said District of Manitoulin and in the terri-
 tory belonging to Algoma described in section 4 of this Act.

14. This Act shall so far as may be necessary to give effect This Act and Rev. Stat. c. 109 to be read together.
 thereto be read with and as part of *The Unorganized Territory*
 Act.

No. 229.

2nd Session, 9th Legislature, 62 Vic., 1899

BILL.

An Act to erect Manitoulin into a Provisional Judicial District.

First Reading, 22nd March, 1899.

Mr. ROSS.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 230.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Subsection 1 of section 526 of *The Municipal Act* is 5 amended by inserting therein after the word “seals” the words “but only with the written consent of the head of the municipality,” and by striking out the words “lewd, dissolute and” in the first line of clause 3 of the said subsection, and by striking out clauses 4 and 5 of the said subsection.

Rev. Stat. c.
223, s. 526,
subs. 1, who
may be com-
mitted to the
House of In-
dustry.

10 2. *The Municipal Act* is amended by inserting therein the following as section 595a :

Rev. Stat. c.
223 amended
by adding s.
595a.

Cattle Thieves.

595a. The council of every county and city may provide by 5 by-law for the payment of a reward to any person or persons who shall pursue and apprehend or cause to be apprehended 15 any person guilty of stealing cattle within the said county or city and may provide that such reward shall be paid out of the funds of the corporation on the conviction of the thief on the order of the judge before whom the conviction is obtained.

Rewards to
persons appre-
hending cattle
thieves.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL,

An Act to amend The Municipal Act.

First Reading 22nd March, 1899

Mr. PETTYPIECE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 231.]

BILL.

[1899.]

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Section 77 of *The Municipal Act* is hereby amended by
5 adding at the end of the said section the following words :—
“ Provided that if at the time of the election the residence of
a member duly elected to the county council is within the
county council division for which he has been elected, and
afterwards and during his term of office, the town or place
10 in which he resides is separated or removed from the jurisdic-
tion of the county, such separation or removal shall in no
manner affect the qualification of the member so elected, but
he shall continue to be qualified as a member of the county
council until the expiration of the term for which he has been
15 elected.”

Rev. Stat. c.
223, s. 77
amended.

Transfer of
municipality
from county
council divi-
sion not to
affect county
councillors'
term of office.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd March, 1899

Mr. RICHARDSON.

TORONTO,

PRINTED BY L. K. CAMERON,

Printer to Her Most Excellent Majesty.

No. 232.]

BILL.

[1899.]

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1. Section 127 of *The Assessment Act* is amended by
5 adding thereto the words, "The Commissioners may sue in
any Division Court having jurisdiction, any person liable to
perform statute labour wilfully neglecting or refusing to
perform the same as aforesaid, for the amount of such statute
labour commuted at \$1.00 per day."

Rev. Stat.
c. 224, s. 127,
amended.

Suing non-
residents for
statute labour
in unorganiz-
ed townships.

nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Assessment Act.

First Reading, 22nd March 1899.

MR. FARWELL.

TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 233.]

BILL.

[1899.

An Act to amend The Act respecting Conditional Sales of Chattels.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 10 of *The Act respecting the Conditional Sales* Rev. Stat. c. 149, s. 10, repealed.
5 of *Chattels*, Chapter 149 of the Revised Statutes, 1897, is repealed and the following substituted therefor :—

10.—(1) Where any manufactured goods or chattels are delivered to any person as bailee or purchaser and the title thereto does not pass to the bailee or purchaser thereof, the
10 same shall continue to be the property of the owner thereof, notwithstanding that the same may be affixed to any real property, unless the same shall be so affixed with the consent in writing of such owner; provided that the owner of such real property, or any purchaser, or mortgagee, or other
15 encumbrancer thereof, shall have a right as against the owner or any person claiming through or under him, to retain the said goods and chattels upon payment of the amount due and owing thereon for unpaid purchase money.

2. The provisions of this section are to be deemed retro-
20 spective, and shall apply to past as well as future transactions. Act to be retrospective.

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to amend The Act respecting
Conditional Sales of Chattels.

First Reading, 22nd March, 1899.

Mr. WARDEN.

TORONTO.

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 234.]

BILL.

[1899.

An Act respecting the Action for Seduction.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. The following shall be added as section 4 to the *Revised* Rev. Stat.
5 *Statute respecting the Action for Seduction* : c. 69,
amended.

(4) In case the father and mother of any unmarried female who has been seduced are both dead, and such unmarried female is under the age of twenty-one, any person who, at the time of the birth of the child which is born in consequence of the seduction, was the legal guardian of, or stood *in loco parentis* to such unmarried female, may maintain an action for the seduction, notwithstanding that such unmarried female was, at the time of her seduction, serving or residing with another person upon hire or otherwise.

10

Who may
maintain
action where
parents of
woman
seduced are
dead, besides
employer.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting the Action for Seduction.

First Reading, 23rd March, 1899.

Mr. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No, 235.]

BILL.

[1899.

An Act to amend The Landlord and Tenant's Act.

HER MAJESTY, by and with the consent and advice of the
Legislative Assembly of the Province of Ontario enacts
as follows :—

1 Subsection 1 of section 13 of *The Landlord and Tenant's*
5 *Act* is hereby amended by adding after the word "money" and before the word "for" in the eighth line thereof the following words "which in case of dispute shall be fixed by reference under the Acts respecting arbitration."

Rev. Stat.
c. 170, s. 13
subs. 1,
amended.
Arbitration to
fix compensa-
tion to be
paid for
breach of
condition.

2. Subsection 2 of the said section 13 is hereby amended by
10 adding after the word "case" in the eleventh line thereof the words "thinks fit" and by adding also the following words:

Rev. Stat.
c. 170, s. 13,
subs. 2,
amended.

15 "Any court of competent jurisdiction shall also have power to relieve against a forfeiture for breach of a covenant against assigning or subletting in all cases where it is found that the breach has done no injury and has happened unintentionally or inadvertently or where the breach is capable of adequate compensation in money and an offer to pay such money damages has been made before action brought."

Relief against
forfeiture for
breach of cov-
enant not to
assign or
sub-let.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Landlord and Tenants Act.

First Reading, 23rd March, 1899.

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

No. 236].

BILL.

[1899.

An Act to amend The Liquor License Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 54, sub-section 1 of *The Liquor License Act* is amended by inserting after the word "closed" in the 12th line thereof the words,—

Rev Stat. c.
25 s. 54 s.-s. 1
amended.

"Save and except to bona fide travellers or to persons lodging in the place.

Sales between
7 p.m. on
Saturday and
6 a.m. on
Monday.

2. Section 55, sub-section 1 of *The Liquor License Act* is amended by inserting after the word "day" in the eighth line thereof the words,—

Rev. Stat. c.
245 s. 55 s.-s. 1
amended.

"Save and except to bona fide travellers or to persons lodging in the place."

Sales after
hour of closing
fixed by law.

Section 58 of *The Liquor License Act* is amended by adding thereto,

Rev. Stat. c.
245 s. 58
amended.

"This section shall not apply to any municipal election which extends to a part of the municipality only."

Closing on
polling days.

2nd Session, 9th Legislature, 62 Viet, 1899.

BILL.

An Act to amend The Liquor License Act.

First Reading, 23rd March, 1899.

Mr. GERMAN.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 237.]

BILL.

[1899.]

An Act respecting the Boundary between the Provinces of Ontario and Manitoba

WHEREAS by *The British North America Act, 1871*, it is provided that the Parliament of Canada may from time to time with the consent of the Legislature of any Province increase, diminish or otherwise alter the limits of such Province; and whereas the western boundary of the Province of Ontario has been laid down by the commissioners appointed for the purpose of delimiting by survey the boundary line between the Provinces of Ontario and Manitoba from the north-west angle of the Lake of Woods to the English River in accordance with the description contained in the schedule to the Act of the Imperial Parliament known as the *Canada (Ontario Boundary) Act, 1889*; and whereas it is expedient that the said boundary so laid down should be adopted and confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the Legislature of the Province of Manitoba consents thereto the Legislature of the Province of Ontario hereby consents that the Parliament of Canada may declare that the boundary line marked and laid down by the said commissioners and described in the Schedule to this Act shall be the boundary line between this Province and the Province

Preamble.

Consent of
Legislature to
adoption of
boundary
fixed by com-
missioners.

of Manitoba, although the limits of the Province may be thereby increased, diminished, or otherwise altered. (See R.S.O., 1887, chapters 3 and 4.)

SCHEDULE.

Description by metes and bounds of western boundary of the Province of Ontario.

Commencing at the initial point at the north-west angle of the Lake of the Woods, in the District of Rainy River, said initial point being one hundred and fifty chains and one link due north from an iron post four feet above ground, planted about five chains from the north bank of the North West Angle river, bearing the following inscriptions: "October 20th, 1818" on the south side, and on the north side the words "Convention of London," said post having been planted by the International Boundary Commissioners in 1872, to mark the boundary between the Dominion of Canada and the United States of America, said initial point being also one hundred and ten chains and sixty-two links due north from an iron post four feet above ground bearing similar inscriptions; thence from said initial point due north astronomically along the boundary between the Provinces of Ontario and Manitoba, a distance of fifty-eight miles, twenty-seven chains and four links to the water's edge of the Winnipeg river, where an iron post has been planted, marked "Ont." on the east side and "Man." on the west side, said boundary being marked at every mile by an iron post marked with the number of the mile on the south side, the letters "Man." for Manitoba on the west side, and "Ont." for Ontario on the east side, thence still due north along said boundary until it strikes the middle line of the course of the Winnipeg river discharging the lake called Lake Seul or the Lonely Lake, said boundary line being shown on a plan of survey by E. Stewart, O.L.S., and B. J. Saunders, O.L.S., commissioners appointed by order-in-council to determine the boundary between the Provinces of Ontario and Manitoba, said plan being dated 30th April, 1898, and on record in the Department of the Interior at Ottawa as well as in the Department of Crown Lands, Toronto.

2nd Session, 9th Legislature, 62 Vic., 1899.

BILL.

An Act respecting the Boundary between
the Provinces of Ontario and Manitoba.

First Reading, 23rd March, 1899.

Mr. GIBSON.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 238.]

BILL.

[1898.]

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 7 of *The Assessment Act* is amended by adding
5 thereto sub-section 30, as follows:—

Rev. Stat. c.
224, s. 7
amended.

“30. Capital moneys of any estate in the possession or under
“the control of any trustee, guardian, executor or Administra- capital in
“tor awaiting investment where the amount of such capital hands of trus-
“moneys so awaiting investment is \$10,000 or under, except tees and pend-
10 “the income thereof earned by such capital moneys pending ing investment
“investment.”

2. Sub section 2 of section 46 of the said Act is hereby
amended by adding thereto the following: —

Rev. Stat. c.
224, s 46 sub-s.
2 amended.

“Provided however that capital moneys of any estate in the
15 “possession or under the control of any trustee, guardian,
“executor or administrator awaiting investment where the Exemption of
“amount of such capital moneys so awaiting investment is certain funds
“\$10,000 or under shall not be liable to assessment, but the in hand, of
“interest and income derived therefrom pending investment trustees, etc.
20 “shall be liable to be assessed.”

2nd Session, 9th Legislature, 62 Viet., 1899

BILL.

An Act to amend The Assessment Act.

First Reading, 23rd March, 1899.

Mr. MCKAY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Ontario Election Act

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Section 67 of *The Ontario Election Act* is hereby re-
pealed and the following substituted therefor :—

Rev. Stat.
c. 9, s. 67,
repealed.

67. The deputy returning officer shall be a resident of the
county or district in which the election is being held.

Deputy re-
turning offi-
cers to be resi-
dents in coun-
ty or district.

2. Sub section 1 of section 124 of the said Act is amended
by adding thereto the following :—

Rev. Stat.
c. 9, s. 124,
amended.

10 In case it is made to appear to the County Judge that by
reason of a defect in the return made by any deputy returning
officer to the returning officer the latter is of the opinion that
he is not entitled to count and does not count the number of
ballots deposited at any one or more polling places, then though
15 the majority for the successful candidate exceeds 50 votes the
Judge may count the ballots not included in the returning
officer's summary as aforesaid and may direct the returning
officer to include in such summary and in the returns to be
made by him the ballots from any subdivision so rejected as
20 aforesaid by the returning officer on account of such defect, in
accordance with the count by the Judge.

Counting
rejected bal-
lots although
majority ex-
ceeds 50 votes.

3. Subsection 2 of section 132 of the said Act is amended
by inserting after the words "Poll Clerk" in the second line
of such subsection the words "or other person."

Rev. Stat.
c. 9, s. 132,
amended

Rev. Stat.
c. 9, s. 133
amended.

4. Section 133 of the said Act is amended by inserting after the word "thereto" in the fourth line the words "or in case the deputy returning officer has failed to comply with any of the provisions of this Act as to proceedings after the close of the poll."

5

Rev. Stat.,
c. 9, s. 140,
amended.

5. Section 140 of the said Act is amended by adding thereto the following sub-section :

Inspection to
be under
supervision
of Registrar
of Court of
Appeal.

(2) When an order for inspection is made under this section the Clerk of the Crown in Chancery shall seal up securely the ballots, documents and papers which are to be inspected and shall deliver them in person or shall cause them to be delivered by some trustworthy person so sealed to the Registrar of the Court of Appeal, at his office in Osgoode Hall. The inspection shall take place under the immediate supervision of the said Registrar who shall be present during such inspection. In the event of the Registrar requiring to be temporarily absent he shall select some other officer of rank at Osgoode Hall, who shall at his request take his place, so that the said ballots, papers and documents shall at all times during the said inspection be under the immediate observation of the said Registrar or other officer. So long as the ballots, papers and documents are in the custody of the Registrar of the Court of Appeal, and when not under inspection the same shall be kept in some secure place under lock and key.

Rev. Stat.,
c. 9, s. 161,
amended.

6. Section 161 of the said Act is amended by adding thereto, "where such residence is a private house"

Rev. Stat.,
c. 9, s. 162,
amended.

7. Section 162 of the said Act is amended by adding thereto the following subsection.

Giving re-
freshments
prima facie
evidence of a
corrupt prac-
tice.

(2) The giving of meat, drink, refreshment or provision to electors extensively or generally, or in a miscellaneous manner, by a candidate, or by an agent of such candidate, or the taking part therein by either, or giving the same whole or partly at the expense of such candidate or of such agent, shall *prima facie* be a corrupt practice under this section.

8. Section 169 of the said Act is amended by adding after the figures "167" in the second line thereof the word and figures "or 182."

9. Subsection 1 of section 192 of the said Act is amended by adding thereto the following words, namely: "and shall be imprisoned for a term not exceeding six months."

40

10. Subsection 2 of section 192 of the said Act is amended by adding thereto the following words, namely: "and shall be imprisoned for a term not exceeding six months."

11. The five next preceding sections of this Act shall not apply to or in respect of past elections.

45

2nd Session, 9th Legislature, 62 Viet., 1899.

BILL.

An Act to amend The Ontario Election Act

First Reading, 23rd March, 1899.

THE ATTORNEY GENERAL.

TORONTO.

PRINTED BY D. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 378 of *The Municipal Act* is amended by adding
5 thereto, the following sub-sections. Rev. Stat.
c. 223, s. 378,
amended.

(6) In lieu of the recognizance mentioned in sub-sections 4
and 5 of this section, the applicant may pay into Court the
sum of one hundred dollars as security for any costs
which may be adjudged to the municipality against the
10 applicant, and the certificate of such payment into Court
having been made, shall be filed in the High Court with other
papers relating to the motion. 4 Deposit as
security for
costs of mo-
tion to quash
by-law.

(7) Upon the determination of the proceedings the judge
may order the money so paid into Court to be applied in the
15 payment of costs, or, to be paid out to the applicant in the
discretion of the judge according to the result of the applica-
tion. Application of
deposit on de-
termination of
application.

(8) Subject to any rules of Court, all moneys required to be
paid into or out of Court under this section shall be paid in
20 and paid out in like manner, as moneys are paid into and out
of Court in actions pending in the High Court. Procedure on
payment into
or out of
court.

No. 240.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 24th March, 1899.

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 15 of *The Agriculture and Arts Act* is amended by adding thereto the following sub-sections :
- 5 1a. If the owner of the land selected as a site for fairs and exhibitions approved of at a meeting of the society called for the purpose, refuses to sell the same or demands therefor a price deemed unreasonable by the board of directors, then such owner and such board of directors shall each forthwith
10 appoint an arbitrator, and the arbitrators so chosen shall appoint a third arbitrator, and such arbitrators or a majority of them shall appraise the damages for such land.
- 2a. If the directors or the owner of such land selected as a site for fairs and exhibitions, neglects or refuses to appoint
15 an arbitrator, the county judge of the county in which the district lies may appoint an arbitrator on behalf of the party so neglecting or refusing to appoint an arbitrator as aforesaid.
- 3a. The arbitrator so chosen shall have the power to hear and determine all claims or rights of encumbrancers, leasees,
20 tenants or other persons as well as those of the owner of the land required for the purpose of such site for fairs and exhibitions, upon notice in writing to every such claimant or person.

Rev. Stat.
c. 43, s. 15
amended.

Arbitration in
case of dis-
agreement as
to purchase of
site for build-
ing.

Appointment
of arbitrators.

Powers of
arbitrators.

Taking land
on payment
of amount
awarded.

4a. Upon payment of the amount of damages appraised by a majority of the arbitrators appointed as aforesaid, to the owner or other person entitled thereto by the directors, the land may be taken and used for the purposes aforesaid.

Award to
give title to
land.

5a. Any award for a site for fairs and exhibitions made and published under this Act if there be no conveyance shall thereafter be deemed to be the title of the society to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever and shall be registered in the proper registry office, on the affidavit of the secretary and treasurer or secretary-treasurer of the directors verifying the same. 5 10

Payment of
expenses of
arbitration.

6a. The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators or a majority of them. 15

No. 241.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Agriculture and
Arts Act.

First Reading, 24th March, 1899.

Mr. HILL.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty

No. 242]

BILL.

[1899.

An Act to amend the Woodman's Lien for Wages Act.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 6 of section 6 of *The Woodman's Lien for*
5 *Wages Act* is repealed and the following substituted therefor: Rev. Stat.
c. 154, s. 6,
subs. 6,
repealed.
- (6) Where the right to take proceedings under this Act to
enforce any lien arises in the Provisional County of Haliburton
the statement of claim may be filed in the office of the clerk
of the second division court of the Provisional County of
10 Haliburton at the Village of Haliburton and the expression
“clerk of the court” “clerk of the district court” or “clerk”
in this Act shall be deemed to include clerk of the said second
division court of the county of Haliburton and “district
court” shall include the said division court. Filing claim
of lien in
Provisional
County of
Haliburton.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Woodman's Lien for
Wages Act.

First Reading, 24th March, 1899.

MR. CARNEGIE.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 243.]

BILL.

[1899.]

An Act to amend The Ontario Voters' Lists Act.

HER MAJESTY by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Sub-section (*d*) of section 9 is hereby amended by adding
5 after the word "municipality" in the first line thereof the
following words: .

Rev. Stat.
c. 66, s. 9,
subs. *d*,
amended.

"The county councillor or county councillors for the district
in which the municipality or any part thereof lies."

No. 243.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Ontario Voters'
Lists Act.

First Reading, 24th March, 1899.

Mr. PARDEE.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 244.]

BILL.

[1899.

An Act to amend the Ontario Anatomy Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows :

1. Section 5 of *The Ontario Anatomy Act* is amended Rev. Stat.
5 by inserting after the words "to be" in the third line thereof c. 177, s. 5
the words "General Inspector for the Province or." amended.

No. 24.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Ontario Anatomy Act.

First Reading, 24th March, 1899.

MR. MCKAY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to amend The Municipal Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Section 71a of *The Municipal Act* as enacted by *The Municipal Amendment Act, 1898*, is amended by adding thereto the following words: “but such towns may be divided into wards for the purpose of electing public school trustees.” Rev. Stat. c. 223, s. 71a amended.

2. Section 158 of *The Municipal Act* is amended by adding after the word “towns” in the first line thereof the words “having a population of over 5,000 by the last Canadian Census” and by adding after the word “towns” in the fourth line of said section the words “or councillors in towns having a population of not more than 5,000 by the last Canadian Census.” Rev. Stat. c. 223, s. 158 amended. Electors in towns of more than 5,000 to have vote in each ward when qualified.

3. Section 161 of *The Municipal Act* is amended by adding after the word “towns” in the third line thereof the words “and for councillors in towns having a population of not more than 5,000 by the last Canadian Census.” Rev. Stat. c. 223, s. 161 amended.

4. Subsection 1 of section 162 of *The Municipal Act* is amended by adding after the word “deputy-reeve” in the second line of said section the words “or for councillors in towns having a population of not more than” Rev. Stat. c. 223, s. 162, subs. 1 amended.

5,000 by the last Canadian Census," and by adding after the word "deputy-reeve" in the third line of said section the words " or councillors as aforesaid."

Form of oath
of voter in
towns of not
more than
5,000 in which
council is
elected by
general vote.

5. In the case of towns having a population of not more than 5,000 by the last Canadian Census and where the 5 council of such town is elected by a general vote the oath or affirmation to be required of a person claiming to vote shall, notwithstanding anything contained in sections 112, 113, 114, or 115 of *The Municipal Act* be similar in form to that required in the case of a municipality not divided into wards. 10

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 24th March, 1899.

Mr. HILL.

TORONTO :
PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

An Act to amend the Controverted Elections Act.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Controverted Elections Act* is repealed
5 and the following is substituted therefor:—

Rev. Stat.,
c. 11, s. 3
repealed.

3. A petition (hereinafter referred to as an election petition)
complaining of the undue return or undue election of a member
may be presented to the court by any one or more of the
following persons:—

By whom
petition may
be presented.

10 (a) Some person who was a candidate at such election;
or

(b) Four persons who voted or who had a right to vote
at such election and who are severally rated on the
last revised assessment roll in respect of real
15 property in the municipalities in which they reside
for at least \$1,000.

2. Section 10 of the said Act is repealed and the following
substituted therefor:—

Rev. Stat., c.
10, s. 10, re-
pealed.

10.—(1) Presentation of a petition in cases arising in the
20 county of York or city of Toronto shall be made by deliver-
ing it to the registrar of the court and in other cases by de-
livering it to the local registrar of the high court for the
county in which the electoral district or any part thereof is

Presentation
of petition.

situated, or otherwise dealing with the same in manner prescribed. On receipt of a petition by a local registrar he shall send notice thereof by registered letter to the registrar of the court.

(2) The security shall be given as heretofore in the manner provided by section 14 of this Act. 5

Rev. Stat., c.
10, s. 12, (1)
amended.

3. Subsection 1 of section 12 of the said Act is amended by adding after the words "the registrar of the court" the words "or the local registrar of the high court as the case may be." 10

Rev. Stat., c.
10, s. 13,
amended.

4. Section 13 of the said Act is amended by striking out the word "three" in the second line of the said section and substituting therefor the word "four."

5. The said Act is further amended by adding thereto the following sections:— 15

Member not
required to at-
tend on pre-
liminary ex-
amination
during session.

17a. Where a petition has been filed against a member elect who is entitled to take his seat such member shall not without his consent be required to attend on any preliminary examination during a session of the Legislative Assembly.

Stay of exam-
ination may be
ordered.

17b. Where any party deems that a preliminary examination is being carried on for an unreasonable length of time such party may apply to a judge of the high court in chambers on giving two clear days' notice to the opposite party for an order that no further examination shall be had or that the examination shall be closed by a day to be named in the order and on such application the judge may make an order accordingly or may make such other order as appears just and reasonable. 20

Rev. Stat., c.
11, s. 20,
amended.

6. Section 20 of the said Act is hereby amended by adding thereto the following sub-sections:—

Examination
may be taken
in shorthand
by consent.

(4) The preliminary examination under this section may, by consent of the parties to the petition or proceedings be taken in shorthand and with such consent may also be taken by question and answer, and in such case the notes when extended and certified to by the examiner and shorthand writer may be used as fully as if taken in narrative form. In case the examination is taken in shorthand as herein provided the depositions need not be read over to the witness or be signed by him if the parties so agree. 30

Costs of pre-
liminary ex-
aminations.

(5) The costs of and incidental to all preliminary examinations under this Act shall be paid and borne by the party procuring the examination and shall not in any event be chargeable against the other party to the petition and proceedings or against the security or deposit in court. 40

7. The said Act is amended by adding thereto the following section :—

22a. In case of a preliminary examination of the petitioner or respondent the returning officer to whom the bills and 5 vouchers relative thereto have been delivered as provided by section 201 of *The Ontario Election Act* may be subpoenaed to produce such bills and vouchers for the purposes of such examination and it shall be his duty to produce the same accordingly. Immediately upon the close of the examination the 10 said bills and vouchers shall be returned to the returning officer and copies thereof duly verified may be made and filed as exhibits in lieu of the originals.

Productions of bills and vouchers for purpose of preliminary examination.

8. Section 39 of the said Act is repealed and the following is substituted therefor :—

15 The trial of an election petition shall take place in the electoral district, the election or return for which is in question, unless both parties consent that the trial shall take place elsewhere, in which case the court may appoint such other place for the trial as appears most convenient, but nothing 20 herein contained shall prevent the judge or judges from directing that the trial may be adjourned to be continued or closed in Toronto

Rev. Stat., c. 11, s. 39, repealed.
Plan of trial.

BILL.

An Act to amend the Controverted Elections
Act.

First Reading, 24th March, 1899.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON.

Printer to the Queen's Most Excellent Majesty.

No. 247.]

BILL.

[1899.

An Act to amend the Act for the Incorporation and Regulation of Mining Companies.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 4 (b) of chapter 197 of the Revised Statutes of
5 Ontario, 1897 is amended by inserting after the word "options"
in the fourth line the words "shares, debentures, bonds or other
securities of any other mining company not being an extra-
provincial company, and "; and 4 (e) is amended by inserting
after the word "metals" in the second line the words ' mineral
10 lands."

Rev. Stat.
c. 197, s. 4 (b)
and 4 (e)
amended.

2. Section 10 of the said Act is repealed and the following
substituted therefore:

Rev. Stat.
c. 197, s. 10,
repealed.

(10). No extra-provincial mining, milling, reduction or
development company shall, either directly or indirectly, sell or
15 otherwise dispose of within this Province any of its shares,
stock, stock-certificates or other securities by whatsoever
name known, unless and until it has received from the
Lieutenant-Governor in Council a license authorizing it to sell
and dispose of its shares and other securities, and any person
20 who, in contravention of this section, acts for an unlicensed

License to
extra-provin-
cial com-
panies.

company in making such sale or other disposition, or who acts for any owner or holder of the shares or other securities of such company, or who directly or indirectly offers to sell or otherwise dispose of such shares or other securities within this Province, shall, on conviction thereof, be liable to a fine of \$20 per day for every day while he so acted, and, in case the fine be not paid, shall in the discretion of the court be imprisoned for a period not exceeding three months.

NO. 247.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend the Act for the Incorporation and Regulation of Mining Companies.

First Reading, 25th March, 1899.

MR. DAVIS.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 248.]

BILL.

[1899.

An Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:—

1. Section 435 of *The Municipal Act* as enacted by *The* Rev. Stat.
5 *Municipal Amendment Act, 1898*, is amended by adding c. 223, s. 435,
thereto the following subsection: amended.

4. The disqualification mentioned in subsection (2) shall
not apply to the case of any member or members of any
municipal council elected for the year 1898, and the judgment
10 of any court imposing such disqualification on any such
member or members of any municipal council shall not dis-
qualify him or them from holding any municipal office other
than that of municipal councillor nor from holding the office
of municipal councillor after the expiration of the present
15 year, 1899.

Disqualifica-
tion of coun-
cillors for
voting to
exceed limit
in borrowing
for current
expenditure.

No. 248.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1899.

Mr. WHITNEY.

TORONTO:

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Excellent Majesty.

Act to amend The Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts
as follows:

1. Paragraph 4 of section 27 of *The Municipal Act* is
5 amended by striking out all the words in the said section from
the commencement thereof down to and including the word
“made” in the fourth line, and inserting instead of the said
words the words, “no by-law of the council of the county
made after the proclamation has been issued.”

Rev. Stat.
c. 223, s. 27
amended.

10 2. Subsection 1 of section 71 of the said Act is amended
by inserting at the commencement thereof the words, “subject
to the provisions of section 71 *a*,” and by striking out all the
words in the said subsection between the word “wards” in
the fourth line and the word “provided” in the eleventh line
15 thereof.

Rev. Stat.
c. 223, s. 71,
subs. 1
amended.

3. Section 74 of the said Act is repealed.

Rev. Stat.
c. 223, s. 74
repealed.

4. Subsection 1 of section 76 of the said Act is amended
by striking out the word “deputy-reeve” in the fourth line
thereof.

Rev. Stat.
c. 223, s. 76,
subs. 1
amended.

20 5. Section 77 of the said Act is amended by striking out
the word “reeve” in the second line and inserting in lieu
thereof the word “mayor.”

Rev. Stat.
c. 223, s. 77
amended.

Rev. Stat.
c. 223, ss. 100
and 101 re-
pealed.

6. Sections 100 and 101 of the said Act are repealed.

Rev. Stat.
c. 223, s. 118,
subs. 1
amended.

7. Subsection 1 of section 118 of the said Act is amended by striking out the words, "and of mayor, reeve and deputy-reeves in towns" in the third and fourth lines and inserting in lieu thereof the words "and towns," and by striking out all the words in the said subsection after the word "forenoon" in the sixth line thereof. 5

Rev. Stat.
c. 223, s. 118,
subs. 2
amended.

8. Subsection 2 of section 118 of the said Act is amended by striking out the words "reeve and deputy-reeves" at the end of the said subsection. 10

Rev. Stat.
c. 223, s. 119
amended.

9. Section 119 of the said Act is amended by striking out the words "deputy-reeves" in the fourth line, the word "in" and the words "not divided into wards" in the fifth line, and all the words in the said section after the figures "123" in the tenth line. 15

Rev. Stat.
c. 223, s. 120
amended.

10. Section 120 of the said Act is amended by striking out the words "reeve, deputy-reeve or deputy-reeves" in the seventh line, and inserting in lieu thereof the words "or reeve and alderman or."

Rev. Stat.
c. 223, s. 121
repealed.

11. Section 121 of the said Act is repealed. 20

Rev. Stat.
c. 223, s. 122
repealed.

12. Section 122 of the said Act is repealed and the following substituted therefor:

Nomination
for reeve and
councillors in
townships.

122. Notwithstanding anything contained in section 119 of this Act the council of any township may by by-law provide that the nomination for reeve and councillors may be held at one o'clock in the afternoon. 25

Rev. Stat.
c. 223, s. 123
amended.

13. Section 123 of the said Act is amended by striking out the words "deputy-reeves" in the fifth line thereof.

Rev. Stat.
c. 223, s. 124
amended.

14. Section 124 of the said Act is amended by striking out the word "deputy-reeve" in the third line thereof. 30

Rev. Stat.
c. 223, s. 125
amended.

15. Subsection 1 of section 125 of the said Act is amended by striking out the word "deputy-reeves" in the third line thereof.

Rev. Stat.
c. 223, s. 140
repealed.

16. Section 140 of the said Act is repealed and the following section substituted therefor: 35

Ballot papers
where election
is by wards.

140.—(1) In the case of cities and towns in which the aldermen or councillors are elected by wards the names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen and councillors respectively but one kind or set of ballot papers shall be pre- 40

pared for all the wards or polling subdivisions containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen or councillors in the ward.

(2) In case of cities and towns in which the aldermen or councillors are elected by general vote one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions containing the names of the candidates for mayor and the names of the candidates for aldermen or councillors as the case may be.

Where aldermen and councillors are elected by general vote.

(3) In the case of villages and townships one kind or set of ballot papers shall be prepared containing the names of the candidates for reeve and the names of the candidates for councillors.

Ballot papers for townships and villages.

17. Section 158 of the said Act is repealed and the following substituted therefor:

Rev. Stat. c. 223, s. 158 repealed.

158. In towns and cities in which the councillors or aldermen are elected by wards every elector may vote in each ward in which he has been rated for the necessary property qualification for councillors or aldermen, but the elector shall be limited to one vote for mayor of a city or town.

Number of votes of each elector.

18. Section 161 of the said Act is amended by striking out all the words therein after the word "mayor" in the second line down to and including the word "wards" in the fourth line and by inserting at the commencement of the said section the words "In the case of cities and towns in which the aldermen or the councillors, as the case may be, are elected by ward

Rev. Stat. c. 223, s. 161 amended.

19. Subsection 1 of section 162 of the said Act is amended by striking out the words, "or in towns, villages or townships for deputy-reeve" in the first and second lines, and the words "or deputy-reeve" in the third line, and by inserting the word "or" before the word "reeve" in the third line.

Rev. Stat. c. 223, s. 162, subs. 1 amended.

20. The form of ballot papers as set out in schedule A to the said Act for use in cities shall not apply in the case of cities in which the aldermen or councillors are elected by general vote, but in the case of such cities and in the case of towns in which the aldermen or councillors are elected by general vote the form of ballot paper to be used shall be that set out in schedule A to this Act.

Form of ballot papers in cities and towns.

21. The forms of ballot papers set out in schedule A of the said Act for use in case of townships divided into wards and in the case of incorporated villages and townships not divided into wards are repealed and the forms set out in schedule B to this Act are substituted therefor.

Form of ballot papers.

Directions to
voters.
Rev. Stat.
c. 223, sched.
B amended.

22. Schedule B to the said Act, being directions for the guidance of voters in voting is amended by striking out all the words therein after the words "hard labour" at the end of the seventh paragraph of the said schedule and inserting in lieu thereof the form set out in schedule B to this Act.

5

Provisional County Councils—how composed.

Rev. Stat.
c. 223, s. 75
amended.

23. Section 75 of the said Act is amended by striking out the word "the" at the end of the fourth line thereof and by adding at the end of the said section the words, "and shall together with the representatives of separated towns mentioned in subsection 3 of section 41 constitute the said provisional council."

10

Qualification and Oaths of Municipal Voters.

Rev. Stat.
c. 223, s. 86,
subs. 1,
amended.
Income voters
qualification.

24. Subsection 1 of section 86 of *The Municipal Act* is amended by inserting in the paragraph commencing "Thirdly" after the word "roll" in the sixth line of the said paragraph the words "or for twelve months prior to the last day for making complaint to the county judge under *The Voters' Lists Act*."

15

Rev. Stat.
c. 223, s. 86,
subs. 1,
amended.
Farmers' sons
qualification.

25. The said subsection is further amended by striking out in the paragraph commencing "Fourthly" the words "the return by the assessors of the assessment roll upon which the voters' list used at the election is based" and inserting in lieu thereof the words, "the date of the final revision and correction of the assessment roll or for twelve months prior to the last day for making complaint to the county judge under *The Voters' Lists Act*."

25

Rev. Stat.
c. 223, s. 86,
subs. 2,
amended.
"Farmers'
sons,"
meaning of

26. Subsection 2 of the said section 86 is amended by inserting after the word "sons" in the sixth line the words "stepson or stepsons," and by inserting after the word "stepfather" in the eighth line the words "and 'mother' shall include step-mother."

30

Rev. Stat.
c. 223, s. 113,
amended.

27. Section 113 of the said Act is amended by striking out the third paragraph of the form of oath therein contained and by substituting the following therefor:

35

Oath of ten-
ant voter.

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant, of the real estate in respect of which your name is entered on the said list.

Rev. Stat.
c. 223, s. 114,
amended.

28. Section 114 of the said Act is amended by striking out the third paragraph of the form of oath therein contained and substituting the following therefor:

40

Oath of in-
come voter.

That on the day of 18
(The day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based,

Who may
apply to quash
by-law affect-
ing another
municipality.

378a. Where it is alleged that a by-law of any municipality injuriously affects another municipality or the ratepayers thereof or any of them and that such by-law is illegal or contrary to law the said other municipality or any ratepayer thereof shall have the same right to apply to quash or set aside the by-law as a ratepayer of the municipality which passed or adopted the by-law may have, but in case an application to quash a by-law is made by a municipal corporation hereunder, such corporation shall not be required to give a recognizance under section 378 nor shall sub-sections 4 and 5 of the said section apply to any such application by a municipal corporation.

Registration of By-laws.

Rev. Stat.
c. 223, s. 396,
subs. 1
amended.

Registration
of by-laws
creating
debts.

Rev. Stat.
c. 223, s. 396,
subs. 2
amended.

Book for regis-
tration of
by-laws.

36. Subsection 1 of section 396 of the said Act is amended by adding in the second line thereof, after the word "Act" the words "a duplicate original or a copy certified as hereinafter mentioned of."

37. Subsection 2 of section 396 of the said Act is hereby amended by adding at the end thereof the words "such book shall be called the by-laws book and shall contain the following particulars: The registration number, the by-law number of the municipality, the title, the amount of the debt, the term of the debentures, the rate of interest, and the number of years over which the debentures are to extend, also whether the rates to be levied are upon the whole rateable property of the municipality or on part thereof."

Grants to ferries.

Aid to ferries.

38. The council of any township, town or village may pass by-laws for making an annual grant not exceeding \$100 towards the maintenance of a ferry over any navigable water separating a part of such municipality from the remainder thereof, or separating such municipality from any other municipality in the Province of Ontario.

Notice to Municipalities jointly liable for non-repair of Highway.

Rev. Stat.
c. 223, s. 606
amended.

Notice of
claim for non-
repair of high-
ways where
municipalities
jointly liable.

39. Section 606 of the said Act is amended by adding the following as subsection 4:

(4) Where the claim for damages is against two or more municipalities jointly responsible for the repair of the road, street, bridge or highway, no action shall be brought to enforce such claim under this section unless the notice to each of the municipalities jointly liable has been served or mailed as provided in subsection 3 within the period or periods therein mentioned.

Police Villages.

40. The council of any township in which a police village or part of the territory comprising a police village is situated, may by by-law provide that the whole or any part of the 5 sums collected and received by the township for licenses issued for premises situated in the police village or penalties imposed for offences committed in the police village under *The Liquor License Act*, shall be placed to the credit of the police village in the books of the township treasurer and be 10 available for the purposes of the said village.

License fund
for police
villages.

Rev. Stat.
c. 245.

41.—(1) The police trustees of any police village may appoint a constable, who shall have the same powers and shall perform the same duties within the police village as a constable appointed by the council of an incorporated village.

Appointment
of constable
for police
village.

15 (2) Every constable so appointed shall be paid by the township treasurer out of the funds at the credit of the police village such salary or other remuneration as the police trustees shall order in writing.

Remuneration
of constable.

42.—(1) The municipal council of any township in which a 20 police village or any part thereof is situate shall at the request of the police trustees pass by-laws applicable only within the police village or such part thereof as may be situate in the township for any of the purposes mentioned in section 546 or in paragraphs 4, 5, 8, 9, 28 and 29 of section 583 of *The Municipal Act*, and thereafter no general by-law of the town- 25 ship for any of the said purposes shall apply or be in force in the police village.

By-laws re-
specting cattle
running at
large; licenses
for billiard
rooms, exhibi-
tions, tobac-
conists.

(2) All sums collected for license fees or for penalties under any by-law passed under the preceding subsection shall be 30 paid over to the township treasurer and be by him placed to the credit of the police village and supplied to the purposes thereof.

License fees ;
application.

Time for Inspection of Ditch by Engineer.

43. Subsection 1 of section 28 of *The Ditches and Water- 35 courses Act* is amended by inserting therein after the word "ditch" in the second line the words "or at any time not later than six months after the time fixed for the completion of the ditch."

Rev. Stat.
c. 285, s. 33,
sub.-s. 1
amended.

Names of Township of Coffin and of Desert Lake Changed.

40 44. The name of the township known as the Township of Coffin and Coffin Additional, in the Territorial District of Algoma is hereby changed to, and the said township shall hereafter be named the Township of Aberdeen.

Name of
Township of
Coffin
changed.

Name of
Desert Lake
changed to
Gordon Lake.

45. The lake known as Desert Lake and so named in the surveys of the Crown Lands Department, in the District of Algoma, is hereby changed to and the said lake may hereafter be known and described as Gordon Lake.

SCHEDULE A.

FORM OF BALLOT PAPER.

In the case of cities and towns in which aldermen or councillors are elected by general vote and for incorporated villages and townships.

	FORMAYOR OR REEVE.	BROWN. John Brown, of the Village of Weston, Merchant.
	FOR ALDERMEN OR COUNCILLORS.	ROBINSON. George Robinson, of the Village of Weston, Physician.
		BULL. John Bull, of the Village of Weston, Butcher.
		JONES. Morgan Jones, of the Village of Weston, Grocer.

McALLISTER.

Allister McAllister, of the Village of Weston, Tailor.

O'CONNELL.

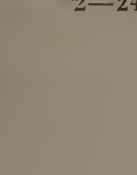
Patrick O'Connell, of the Village of Weston, Milkman.

SCHEDULE B.

AMENDMENT TO DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

In the following forms of ballot paper, given for illustration, the candidates are, for County Councillors Martin Chuzzlewit, David Copperfield, and Arthur Pendennis; for Mayor, Jacob Thompson and Robert Walker; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick

O'Connell; and the elector has marked the first ballot paper in favour of Martin Chuzzlewit and Arthur Pendennis for County Councillors, the second ballot paper in favour of Jacob Thompson for Mayor, and the third ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election of County Councillors for the (first) County Council Division of the (County) of Ward No. , Polling subdivision No. , day of January, 18 .	FOR COUNTY COUNCILLORS.	CHUZZLEWIT.	X
			Martin Chuzzlewit, of the Town of Bothwell, Barrister.	
			COPPERFIELD.	
	Election for the Members of the Municipal Council of the Ward day of January, 18	FOR MAYOR.	THOMPSON.	X
			Jacob Thompson, of the Town of Barrie, Merchant.	
			WALKER.	
	Election for the Members of the Municipal Council of the Ward No. , Polling subdivision No. , day of January, 18	FOR COUNCILLORS.	BULL.	X
			John Bull, of the Town of Barrie, Butcher.	
			JONES.	
	Election for the Members of the Municipal Council of the Ward No. , Polling subdivision No. , day of January, 18	FOR COUNCILLORS.	Morgan Jones, of the Town of Barrie, Grocer.	
			McALLISTER.	
			Allister McAllister, of the Town of Barrie, Tailor.	
	Election for the Members of the Municipal Council of the Ward No. , Polling subdivision No. , day of January, 18	FOR COUNCILLORS.	O'CONNELL.	X
			Patrick O'Connell, of the Town of Barrie, Milkman.	

SCHEDULE D.

(Section.)

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the
of

19

I, *A.B.*, clerk of the municipality of _____ in the
 county of _____ do hereby certify that the assess-
 ment roll for this municipality of _____ upon which the
 voters' list to be used at this election is based, was finally revised and cor-
 rected on the _____ day of _____ 19____
 and that the last day for making complaint to the county judge with
 respect to the said list was the _____ day of _____ 19____
 Dated this _____ day of _____ 19____

[Seal.]

A.B.
Clerk.

2nd Session, 9th Legislature, 52 Vict., 1899.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th March, 1899.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 250.]

BILL.

[1899.

An Act to amend The Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 75 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat. c. 224, s. 75, subs. 1, repealed.

(1) An appeal to the county judge shall lie at the instance of the municipal corporation or at the instance of the assessor, or assessment commissioner, or at the instance of any rate-payer of the municipality, not only against a decision of the Court of Revision on an appeal to the said court, but also against the omission, neglect or refusal of the said court to hear or decide an appeal. Who may appeal from Court of Revision to county judge.

2. Subsection 1 of section 110 of *The Assessment Act* is amended by striking out the words "15th day of November" in the sixth and seventh lines of the said subsection and inserting in lieu thereof the words "15th day of August." Rev. Stat. c. 224, s. 110, subs. 1, amended.

3. *The Assessment Act* is amended by inserting the following section after section 135: Rev. Stat., c. 224 amended.

135 a—(1). Subject to the provisions of section 60 of this Act in case a person assessed in respect of personal estate or personal property neglects to pay the taxes for fourteen Collection of taxes on personal property by distress.

days, after demand or after notice served pursuant to a by-law aforesaid, or in the case of cities or towns after demand and notice as aforesaid, the collector may by himself or his agent (subject to the exemptions provided for in subsection 2 of this section) levy the same with costs by distress, 5

1. Upon the goods and chattels of the person assessed wherever found within the the county in which the local municipality lies for judicial purposes ;
2. Upon the interest of the person assessed in any goods to the possession of which he is entitled under 10 contract for a purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition ;
3. Upon any goods and chattels in the possession of the person assessed where title to the same is claimed 15 in any of the ways defined by sub-clauses *a*, *b*, *c*, and *d*, of section 135 and in applying said sub-clauses they shall be read with the words "owner of" and the words "on the premises" omitted therefrom. 20

Application of
Rev. Stat. 224
s. 135, subs. 4
to 8.

(2) Subsections 2 to 8 of the said section 135 shall apply to goods and chattels liable to distress under this section and to proceedings taken under this section.

Rev. Stat.
c. 225, s. 42,
subs. 2,
application of.

4. The provisions of subsection 2 of section 42 of *The Act respecting the Establishment of Municipal Institutions in the Territorial Districts* shall apply to every municipality composed of one or more townships in the districts named in the said Act, and incorporated under any special Act, as well as to municipalities formed under the said general Act. 25

No. 250.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to amend The Assessment Act.

First Reading,	1899.
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TORONTO.

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

An Act to confer Certain Powers on the City
of Kingston.

WHEREAS the municipal council of the Corporation of the City of Kingston, has by its petition represented that the continued prosperity of said city is in a large measure dependent upon the retention of the grain trans-shipping trade at the port of the said city ; and whereas, it appeared to the council of the said corporation that the said trade was by reason of the absence of grain storage and elevator facilities at the port of Kingston, being diverted into other routes to the prejudice of the said city and to the serious curtailment of the avenues of employment for the working classes ; and whereas, the council of the said corporation did by by-law passed the 28th day of June, A.D. 1897, and duly assented to by the qualified electors of the municipality under the provisions of *The Municipal Act* in that behalf grant to the Kingston Elevator and Transit Company the sum of \$25,000 by way of bonus in aid of the erection of a grain elevator at the said City of Kingston ; and whereas the council of the said corporation did by by-law passed the 27th day of September, A.D. 1897, and duly assented to by the qualified electors of the municipality under the provisions of *The Municipal Act* in that behalf, grant to the Montreal Transportation Company the sum of \$35,000 by way of bonus in aid of the erection of a grain elevator at the said City of Kingston and to induce the said company to continue to transact at the City of Kingston their business of shipbuilding and ship repairing and the trans-shipment of grain as in said by-law set forth ; and

Preamble.

whereas by agreements forming a part of the said several by-laws hereinbefore in part recited the said municipal corporation did covenant and agree to and with the said The Kingston Elevator and Transit Company and the Montreal Transportation Company respectively, that the said municipal corporation should by all lawful means endeavor to procure the passage by the Legislative Assembly of an Act enabling the council of the said corporation to exempt the said several elevators and premises from taxation in the same manner and to the same extent as municipal councils may now exempt manufacturing establishments and upon said power to exempt being conferred, the municipal corporation covenanted and agreed to and with the said companies respectively, to exempt the said elevators and premises from taxation (except school taxes and local improvement rates) for a period of ten years and to renew said exemption for a further period of ten years; and whereas, in part induced by the said covenant and agreement of said municipal corporation as to the exemption from municipal taxation, the said The Kingston Elevator and Transit Company and the Montreal Transportation Company have each erected and commenced to operate a grain elevator in said city; and whereas, Messrs. James Richardson & Sons have erected a grain elevator in said city and the municipal council of said City of Kingston has agreed with said Messrs. James Richardson & Sons to exempt the said elevator and premises from municipal taxation (except school taxes and local improvement rates), provided an Act enabling said council to do so is passed by the Legislative Assembly; and whereas, the country at large is interested in the encouragement of enterprises having for their object the facilitating of the carriage of grain and other products from the place of production by way of the great lakes and the River St. Lawrence to the seaboard; and whereas the case of the said city is exceptional by reason of its relation to the great water route from the upper lakes to the sea-board by way of the St. Lawrence River; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

40

Power to pass by-laws exempting grain elevators from taxation.

1. It shall be lawful for the Municipal Council of the City of Kingston by a two-thirds vote of the members thereof to pass a by-law or by-laws exempting the grain elevators and premises now erected in the said city and any grain elevator and premises that may be hereafter erected in the said city, from taxation except as to school taxes and local improvement rates, for any period not longer than ten years and to renew such exemption for a further period not exceeding ten years.

When exemption deemed to commence.

2. The power to exempt from taxation hereby granted may be exercised as from 1st January, 1898.

50

2nd Session, 9th Legislature, 62 Vict., 1899

BILL.

An Act to confer certain Powers on the
City of Kingston.

First Reading, 27th March, 1899.

Mr. HARTY.

TORONTO :

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 252.]

BILL.

[1899.

An Act to amend The Loan Corporations Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 72 of *The Loan Corporations Act* is amended by
5 striking out in the second line the words “file with” and sub-
stituting therefor the words “deliver to.” Rev. Stat.
c. 205, s. 72
amended.

2. Section 74 of the said Act is repealed and the following
section is substituted therefor : Rev. Stat.
c. 205, s. 74,
repealed.

“74. Every loan corporation doing business in Ontario
10 shall, (if by the Registrar required so to do) furnish satisfac-
tory evidence that any by-law has been duly passed, and is a
legal and valid by-law according to the Act or instrument in-
corporating the company and also that the by-law conforms
to the public general law in force in Ontario; and any com-
15 pany refusing, or failing to furnish such evidence promptly,
shall (subject to appeal as provided in section 114) be liable to
have its registry suspended or cancelled.”

3.—(1) Subsection 1 of section 99 of *The Loan Corporations*
Act is amended by inserting after the word “finances” in the
20 fifteenth line thereof these words “or its stock, shares, securi-
ties, obligations, by-laws or books.” Rev. Stat.
c. 205, s. 99,
subs. 1,
amended.

Rev. Stat.
c. 205, s. 112,
subs. 1,
amended

(2) Subsection 1 of section 112 of the said Act is amended by inserting in the sixth line of the said subsection, after the words "this Act" the words "or of the Act or instrument incorporating the company, or of any law in force in Ontario."

5

Rev. Stat.
c. 205, s. 114,
subs. 1,
amended.

4.—(1) Subsection 1 of section 114 of the said Act is amended by striking out in the first line of the said subsection the words "an appeal shall lie" and substituting therefor the words "the appeal shall be."

S

Rev. Stat.
c. 205, s. 114,
amended.

(2) The said section is further amended by adding thereto 10 subsection 4 as follows:

"(4) Without a fiat of the Attorney-General being first had and obtained for the purpose, no action or proceeding in any court of law or equity shall be brought or taken against the Registrar for anything done or not done in the performance, or intended or supposed performance of his duty under this Act."

15

Rev. Stat.
c. 205, s. 120,
cl. 6, repealed.

5. Clause 6 of section 120 of the said Act is hereby repealed and the following is substituted therefor:

"6. Certificate of initial or renewed registry, (s. 109):"

20

Fees.

(a) Where the assets of the corporation amount to not more than \$250,000..... \$ 25 00

(b) Where the assets of the corporation amount to \$500,000 or more than \$250,000 50 00

25

(c) Where the assets of the corporation amount to \$1,000,000 or more than \$500,000..... 75 00

(d) Where the assets of the corporation amount to \$1,500,000 or more than \$1,000,000 100 00

30

(e) Where the assets of the corporation amount to \$2,000,000 or more than \$1,500,000 125 00

(f) Where the assets of the corporation amount to \$2,500,000 or more than \$2,000,000 150 00

35

(g) Where the assets of the corporation amount to \$3,000,000 or more than \$2,500,000 175 00

40

(h) Where the assets of the corporation amount to \$5,000,000 or more than \$3,000,000 200 00

(i) Where the assets of the corporation
amount to \$10,000,000 or more than
\$5,000,000 250 00

5 (j) Where the assets of the corporation
amount to more than \$10,000,000..... 300 00

Provided that for purposes of this article capital stock un- Proviso
called shall not be deemed an asset ;

Provided also that the fee for a certificate of registry cover- Proviso.
ing a period of not more than six months shall be one half of
10 the above amounts respectively. 58 V., c. 34, s. 9.

2nd Session, 9th Legislature 62 Vict., 1899.

BILL.

An Act to amend The Loan Corporations
Act.

First Reading, 27th March, 1899.

Mr. GIBSON,

TORONTO :

PRINTED BY L. K. CAMERON,
Printer to the Queen's Most Gracious Majesty.

An Act respecting Aid to Certain Railways.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be granted out of the Consolidated Revenue Grants to rail
5 Fund for the construction of the portions of railways herein ways, etc.
after mentioned, the sums following, that is to say:

(1) To the Ontario, Hudson's Bay and Western Railway, between Missinabie Station on the Canadian Pacific Railway and tide water at the mouth of Moose River on James' Bay, a distance not exceeding two hundred and forty miles, a cash subsidy of \$2,000 a mile—\$480,000.

(2) To the James' Bay Railway from a point at or near Sudbury to a point at or near Lake Abittibi, a distance not exceeding one hundred and seventy-five miles, a cash subsidy of 15 \$2,000 a mile—\$350,000.

(3) To the Haliburton, Whitney and Mattawa Railway, between Haliburton and Whitney, a distance not exceeding thirty miles, a cash subsidy of \$3,000 a mile—\$90,000.

(4) To the Ontario and Rainy River Railway, from its junction with the Port Arthur, Duluth & Western Railway to a point at or near Fort Francis, a distance not exceeding two hundred and five miles, a cash subsidy of \$1,000 a mile, and from Fort Francis to the mouth of Rainy River, a distance not exceeding seventy-five miles, a cash subsidy of \$4,000 a mile 25 —\$505,000.

(5) To the Central Ontario Railway from Ormsby or Coe Hill to a point at or near Bancroft, a distance not exceeding twenty-one miles, a cash subsidy of \$3,000 a mile—\$63,000.

(6) To the Central Counties Railway from Glen Robertson to Vankleek Hill, a distance not exceeding fourteen miles, a cash subsidy of \$2,000 a mile—\$28,000. 5

(7) To the Ontario, Belmont and Northern Railway, from the northern terminus thereof in the direction of the townships of Belmont and Lake, a distance not exceeding seven miles, at the rate of \$3,200 a mile—\$22,400. 10

Application of
52 V., c. 35,
s. 2.

2. All the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made. 15

Land grants
to Ontario,
Hudson's Bay
and Western
Railway and
to James' Bay
Railway.

3. In addition to the payments out of the Consolidated Revenue Fund hereinbefore mentioned, there shall be set apart for the use of the Ontario, Hudson's Bay & Western Railway, and the James' Bay Railway, out of the lands of the Crown through which they may pass 5,000 acres 20 to the mile of each of the said railways for the portions above mentioned, such areas to be selected in blocks of 5,000 acres on each side of the line alternately by taking the necessary number of lots as the townships are surveyed or outlined, or by taking the proportionate grant for each ten 25 miles of railway (or 50,000 acres) in blocks on alternate sides of the line, such blocks to have a frontage on the line of ten miles each, or in such other way as may be agreed upon by the said Company and the Lieutenant-Governor-in-Council.

Reservation of
pine timber.

4.—(1) All pine timber on lands granted to the said Rail- 30 ways shall be reserved to the Crown and be the property of Her Majesty, who may place the same under timber license and grant to licensees of the Crown the right to enter upon the lands, make roads and do all things necessary to the removal of the said pine timber. No lands granted to the Railways 35 valuable for the pine timber thereon shall be opened for sale or settlement until the assent of the Crown has been obtained. Where lands have been duly and legally settled upon, the settlers thereon shall have the right to cut and use such pine timber as they may require for building and fencing on the land 40 on which they are settled, and may also cut and dispose of all pine trees required to be removed in the actual clearing of their land for cultivation, but no pine trees (except for the necessary building and fencing as aforesaid) shall be cut beyond the limit of such actual clearing, and pine trees cut in the 45 process of clearing and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs.

(2) The lands granted to the said railways shall be subject to all the provisions of *The Mines Act*, and to all regulations made or to be made thereunder, saving and excepting parts II. and III. thereof, and any amendments made thereto, being sections 26 to 58 inclusive.

Rev. Stat.
c. 36, except
ss. 26-58 to
apply.

5. The subsidies hereby granted shall be subject to the following conditions:

Conditions
attached to
subsidies.

1. Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made, at such stations for the accommodation of the public.

2. Every company to which aid is granted by this Act shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of railway, and shall also adopt the latest appliances which are in use for the said purpose.

6. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act shall lapse and revert to the Consolidated Revenue Fund of the Province.

Lapse of
subsidies not
earned.

7. The subsidies hereby granted, and the subsidies granted to railway companies by any Act heretofore passed and which have not been earned or assigned or hypothecated prior to the passing of this Act, shall be further subject to the condition that the companies to which the same are granted shall, as far as practicable, construct, equip and operate their lines of railway with railway supplies and rolling stock of Canadian manufacture, whenever such railway supplies and rolling stock can be procured as chiefly and upon as good terms in Canada as elsewhere, having regard to quality and price among other things, and unless the Lieutenant-Governor in Council shall approve of the same being procured elsewhere.

Rolling stock,
etc., to be of
Canadian
manufacture.

8. The grants aforesaid are made subject to the condition that the company aided shall not amalgamate with any other company, or lease or transfer the railway or its franchises or make pooling arrangements as to rates for freight or other charges, or adopt any method for placing such railways under joint management or control, without the sanction of the Lieutenant-Governor in Council first had and obtained, and also subject to the condition that no persons shall be employed in the construction of the said roads who are subjects

Companies
aided not to
amalgamate
with other
companies, or
employ certain
class of work-
men.

of any country which has an alien labor law which practically excludes Canadians from employment upon public works of such country or on other works therein.

Rev. Stat.
c. 210, to
apply.

9. All the provisions of *The Act to secure payment of wages for Labour performed in the construction of Public Works* and of *The Act respecting Subsidies to Railways and to encourage the Manufacture of Railway Steel and Iron in the Province*, shall apply to the subsidies granted by this Act. 5

Deduction
from grant to
Central Coun-
ties Ry. to
meet claims of
creditors.

10. The Lieutenant-Governor or any person appointed by him in that behalf is empowered to decide what persons are to receive payment out of the subsidy hereby granted to the Central Counties Railway and what sums are to be paid there- 10
out to workmen and to all other creditors to whom claims are owing and which have been incurred in respect of building the road of the said company between Vankleek Hill and Glen 15
Robertson, and the balance only remaining after making such payments and after deducting any expenses incurred in determining the same shall be paid to the company.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act respecting Aid to Certain Railways.

First Reading, 28th March, 1899.

Mr. Ross.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 254.

BILL.

[1899.

An Act to improve the law relating to the Fisheries of the Province.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Ontario Fisheries Act*, chaptered 288 of Rev. Stat. c. 288, s. 3, amended.
5 the Revised Statutes of Ontario, 1897, is amended by adding thereto the following sub-section:—

(9) "Fishery" shall mean and include the particular locality, place or station in or on which a seine, pound or other net is used, placed or located, the particular stretch of waters in or
10 from which fish may be taken by the said seine or net, and also the net or nets, and other fishing material or appliances used in connection therewith. "Fishing," meaning of.

2. Section 3 of the said Act is further amended by adding
thereto the following sub-section:— Rev. Stat. c. 288, s. 3, amended.

15 (10) "Overseer" shall include district overseer, local overseer, and temporary guardian. "Overseer."

(11) "Game fish" shall include speckled trout, bass and maskinonge. "Game fish."

(12) "Angling" in this Act is defined to mean taking fish
20 with hook and line, or with rod, hook and line, held in the hand, and does not include set lines. "Angling."

Rev. Stat.
c. 288, s. 8,
amended.

3. Section 8 of the said Act is amended by striking out all the words after the word "them" in the second line thereof.

Rev. Stat.
c. 288, s. 13,
amended.

4. Section 13 of the said Act is amended by inserting at the end of the section the words: "or shall suffer or permit his license to be used for the taking of fish by, or for the benefit or profit of, any other person, without such written consent having been first obtained." 5

Rev. Stat.
c. 288, s. 30,
amended.

5. Section 30 of the said Act is amended by striking out the word "inland" in the fifth line, by inserting after the word "fish" in the sixth line the words "or angle for sale" and by adding at the end of the section the words: "nor to minnows to be used as bait for angling, provided that any net used for the purpose of catching such minnows shall not exceed fifteen feet in length and four feet in depth, with ropes at each end for hauling not to exceed thirty feet in length." 10 15

Rev. Stat.
c. 288, s. 30,
amended.

6. The said section 30 is further amended by adding thereto the following sub-section:—

Using nets in
trout streams.

(2) Nothing in the preceding section shall be deemed to authorize the use of nets for catching minnows in streams inhabited by speckled trout: and any game fish taken in nets used for catching minnows for bait shall be immediately returned to the water alive and uninjured. 20

Rev. Stat.
c. 288, s. 42,
amended.

7. Section 42 of the said Act is amended by adding thereto the following sub-section:— 25

Provincial
constables *ex*
officio over-
seers.

(2) Every Provincial constable shall be *ex officio* a fishery overseer, and every fishery overseer shall have jurisdiction in and over every part of this Province for the purpose of the enforcement of the fishery laws thereof. 30

Rev. Stat.
c. 288, s. 61,
amended.

8. Sub-section 2 of section 61 of the said Act is amended by inserting at the commencement of the sub-section after the word "all" in the first line thereof, the words "vessels, boats, canoes, rafts, vehicles of any description, fishing-gear, rods, lines, tackle." 35

License to
allow inspec-
tion of fish
caught.

9. Every licensee fishing in Provincial waters shall, whenever requested by any fishery overseer so to do, permit the inspection and examination of the fish taken by him or in his possession, and the implements by which such fish were taken; and in case such person shall refuse to allow such inspection and examination, the fishery overseer shall have power, and is hereby authorized with or without a search warrant, to examine the contents of any boat or other vessel, or of any fish car, box, locker, basket, crate or other package or utensil in possession of the person so fishing, for the purpose of ascertaining whether 40 45

the provisions of this Act have been complied with; and for the purpose of such examination the fishery overseer may use such force as may be necessary by breaking open doors or otherwise, and by breaking any lock, or the fastening of any box, locker, basket, crate or other package or utensil in which fish are kept or are reasonably believed by such officer to be kept.

10 **10.** Any person who shall obstruct, hinder, delay or interfere with any fishery overseer or fishery officer in the discharge of his duty under *The Ontario Fisheries Act* or while enforcing or attempting to enforce, or while acting under any Act or Regulation of Canada relating to fish, fishing or fisheries, by violence, hindrance or by the means of threats, or by giving false information, or in any other manner whatsoever, shall, 15 for each offence, be liable to the penalty provided by section 48 of this Act, and costs; and in default of payment of such fine and costs, shall be imprisoned for a period not exceeding three months.

20 **11.** The finding of any nets fishing devices or other articles set or maintained in violation of *The Ontario Fisheries Act* or of the Fishery Acts or Regulations of Canada, shall be *prima facie* evidence of the guilt of the person or persons owning, possessing or operating the same.

25 **12.** It shall be the duty of every lessee or licensee at the end of the fishing season, and not later than the 31st of January in the following year, to transmit by registered letter to the fishery overseer of his district a statement under oath showing the amount in weight of each of the different kinds of fish caught by such lessee or licensee during the said fishing season, 30 and the price per pound received by him for the same.

13. Fishery overseers shall determine and direct where nets may be set, and the distance to be maintained between each and every location of nets (in this section hereinafter called "fishery"), and shall forthwith remove any fishery which the 35 owner neglects or refuses to remove in compliance with any such determination and direction; and such owner so neglecting or refusing, after 48 hours' notice, shall be moreover liable for a violation of *The Ontario Fisheries Act*, and for the cost and damages of removing such fishery.

40 **14.** Disputes between persons relative to fishing limits or claims to fishery locations or stations, or relative to the position and use of nets and other fishing apparatus, shall be settled by the local fishery overseer, subject to appeal to the Deputy Commissioner of Fisheries.

45 **15.** When not otherwise specified, every proprietor, owner, agent, tenant, occupant, partner or person actually in charge, Liability for penalties.

either as occupant or servant, shall be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of *The Ontario Fisheries Act* or any regulations made thereunder.

Fish under a
certain size
not to be sold.

16. No person shall offer or expose for sale any bass less than ten inches in length or any white fish, salmon trout or lake trout weighing less than two pounds undressed. 5

Shipping cer-
tain fish out
of Province.

17. No common carrier or other person, shall ship or transport out of this province, or have in possession for the purpose of shipping or transporting out of this Province, any speckled trout (brook trout), bass or maslinonge before the 1st day of January, 1904. 10

Weight of fish
not to be
transported.

18. No common carrier or other person shall ship or transport out of this Province or shall have in possession for the purpose of shipping or transporting out of this Province, any salmon trout, lake trout or white fish weighing less than two pounds undressed. 15

Transporting
fish illegally
caught.

19. No common carrier or other person shall ship or transport to any point or place any fish caught or killed within Ontario at a time or in a manner prohibited by law. 20

Limit of num-
ber of salmon
trout to be
taken

20. No person not holding a license shall take, catch or kill by angling more than five salmon or lake trout in any one day; and where two or more persons are angling from the same boat the aggregate number of said trout taken, caught or killed in any one day shall not exceed ten. 25

Act to be read
with Rev.
Stat. c. 288.

21. This Act shall be read with and as part of *The Ontario Fisheries Act*, R. S. O. c. 288, and any Acts amending the same and have the same effect as if part thereof.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act to improve the law relating to the Fisheries of the Province.

First Reading, 28th March, 1899.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

The Municipal Amendment Act, 1899.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Clause 4 of section 27 of *The Municipal Act* is amended by striking out all the words in the said section from the commencement thereof down to and including the word "made" in the fourth line, and inserting instead of the said words the words, "no by-law of the council of the county made after the proclamation has been issued." Rev. Stat.
c. 223, s. 27
amended.
2. Section 68 of the said Act is hereby amended by inserting after the word "city" in the fourth line thereof the words, "or where a separated town is reunited to the county." Rev. Stat.
c. 223, s. 68,
amended.
Readjustment
of county
council
divisions.
3. Subsection 1 of section 71 of the said Act is amended by inserting at the commencement thereof the words, "subject to the provisions of section 71 *a*," and by striking out all the words in the said subsection between the word "wards" in the fourth line and the word "provided" in the eleventh line thereof. Rev. Stat.
c. 223, s. 71,
subs. 1
amended.
4. Section 74 of the said Act is repealed. Rev. Stat.
c. 223, s. 74
repealed.
5. Section 75 of the said Act is amended by striking out the word "the" at the end of the fourth line thereof and by adding at the end of the said section the words, "and shall" Rev. Stat.
c. 223, s. 75
amended.

together with the representatives of separated towns mentioned in subsection 3 of section 41 constitute the said provisional council."

Rev. Stat.
c. 223, s. 76,
subs. 1
amended.

6. Subsection 1 of section 76 of the said Act is amended by striking out the word "deputy-reeve" in the fourth line thereof.

Rev. Stat.
c. 223, s. 77
amended.

7. Section 77 of the said Act is amended by striking out the word "reeve" in the second line and inserting in lieu thereof the word "mayor."

Rev. Stat.
c. 223, s. 86,
subs. 1,
amended.
Income voters
qualification.

8.—(1) Subsection 1 of section 86 of the said Act is amended by inserting in the paragraph commencing "Thirdly" after the word "roll" in the sixth line of the said paragraph the words "or for twelve months prior to the last day for making complaint to the county judge under *The Voters' Lists Act*."

Rev. Stat.
c. 223, s. 86,
subs. 1,
amended.
Farmers' sons
qualification

(2) The said subsection is further amended by striking out in the paragraph commencing "Fourthly" the words "the return by the assessors of the assessment roll upon which the voters' list used at the election is based" and inserting in lieu thereof the words, "the date of the final revision and correction of the assessment roll or for twelve months prior to the last day for making complaint to the county judge under *The Voters' Lists Act*."

Rev. Stat.
c. 223, s. 86,
subs. 2,
amended.
"Farmers'
sons,"
meaning of
Rev. Stat.
c. 223, ss. 100
and 101 re-
pealed.

(3) Subsection 2 of the said section 86 is amended by inserting after the word "sons" in the sixth line the words "stepson or stepsons," and by inserting after the word "stepfather" in the eighth line the words "and 'mother' shall include step-mother."

Rev. Stat.
c. 223, s. 113,
amended.

(4) Sections 100 and 101 of the said Act are repealed.

(5) Section 113 of the said Act is amended by striking out the third paragraph of the form of oath therein contained and by substituting the following therefor:

Oath of ten-
ant voter.

That you were (or your wife was) actually, truly and in good faith possessed to your (or her) own use and benefit as tenant, of the real estate in respect of which your name is entered on the said list.

Rev. Stat.
c. 223, s. 114,
amended.

(6) Section 114 of the said Act is amended by striking out the third paragraph of the form of oath therein contained and substituting the following therefor:

Oath of in-
come voter.

That on the day of 18
(The day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list) you were, and thenceforward have been continuously and still are, a resident of this municipality.

(7) Section 115 of the said Act is amended by striking out the second and third paragraphs of the form of oath therein contained and substituting the following therefor:

That on the _____ day of _____ 18 _____ Oath of farmers' son
(the day certified by the clerk as the date of the final revision and correction of the assessment roll upon which the Voters' list used at the election is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the county judge with respect to such voters' list) A.B.
 (naming him or her) was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years) as you verily believe of the lands in respect of which your name is so as aforesaid entered on said list of voters.

That you are a son (or stepson) of the said A.B.

9.—(1) Subsection 1 of section 118 of the said Act is amended by striking out the words, "and of mayor, reeve and deputy-reeves in towns" in the third and fourth lines and inserting in lieu thereof the words "and towns," and by striking out all the words in the said subsection after the word "forenoon" in the sixth line thereof.

(2) Subsection 2 of section 118 of the said Act is amended by striking out the words "reeve and deputy-reeves" at the end of the said subsection.

(3) Section 119 of the said Act is amended by striking out the words "deputy-reeves" in the fourth line, the word "in" and the words "not divided into wards" in the fifth line, and all the words in the said section after the figures "123" in the tenth line.

(4) Section 120 of the said Act is amended by striking out the words "reeve, deputy-reeve or deputy-reeves" in the seventh line, and inserting in lieu thereof the words "or reeve and alderman or."

(5) Section 121 of the said Act is repealed.

(6) Section 122 of the said Act is repealed and the following substituted therefor:

122. Notwithstanding anything contained in section 119 of this Act the council of any township may by by-law provide that the nomination for reeve and councillors may be held at one o'clock in the afternoon.

(7) Section 123 of the said Act is amended by striking out the words "deputy-reeves" in the fifth line thereof.

(8) Section 124 of the said Act is amended by striking out the word "deputy-reeve" in the third line thereof.

(9) Subsection 1 of section 125 of the said Act is amended by striking out the word "deputy-reeves" in the third line thereof.

Rev. Stat. c.
123, s. 129,
sub. 2.

Resignation of
candidates.

Rev. Stat.
c. 223, s. 140
repealed.

Ballot papers
where election
is by wards.

Where alder-
men and coun-
cillors are
elected by
general vote.

Ballot papers
for townships
and villages.

Rev. Stat.
c. 223, s. 156,
subs. 1,
amended

Certificate of
clerk as to
last day for
making
complaints.

Rev. Stat.
c. 223, s. 156,
subs. 3,
amended.

Rev. Stat.
c. 223,
Schedule "D."
repealed.

Rev. Stat.
c. 223, s. 158
repealed.

Number of
votes of each
elector.

10. Sub-section 2 of section 129 of the said Act is amended by inserting after the word "or" in the first line thereof the words, "at any time before nine o'clock p.m."

11. Section 140 of the said Act is repealed and the following section substituted therefor :

140.—(1) In the case of cities and towns in which the aldermen or councillors are elected by wards the names of the candidates for mayor shall not be included in the same ballot with the names of the candidates for aldermen and councillors respectively but one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions containing the names of the candidates for mayor, and another kind or set shall be prepared for each ward or polling subdivision containing the names of the candidates for aldermen or councillors in the ward.

(2) In case of cities and towns in which the aldermen or councillors are elected by general vote one kind or set of ballot papers shall be prepared for all the wards or polling subdivisions containing the names of the candidates for mayor and the names of the candidates for aldermen or councillors as the case may be.

(3) In the case of villages and townships one kind or set of ballot papers shall be prepared containing the names of the candidates for reeve and the names of the candidates for councillors.

12.—(1) Subsection 1 of section 156 of the said Act is amended by striking out clause *a*, and substituting the following :

(*a*) The last day for making complaints to the county judge with respect to the voters' list to be used at the election, and also "

(2) Subsection 3 of the said section 156 is amended by striking out all the words after the word "voters" in the third line and inserting in lieu thereof the words "the date of the final revision and correction of the assessment roll or the last day for making complaint to the county judge with respect to the voters' list (as the case may be)."

(3) Schedule "D" to the said Act is repealed and the form set out in Schedule D. to this Act is substituted therefor.

13. Section 158 of the said Act is repealed and the following substituted therefor :

158. In towns and cities in which the councillors or aldermen are elected by wards every elector may vote in each ward in which he has been rated for the necessary property qualification for councillors or aldermen, but the elector shall be limited to one vote for mayor of a city or town.

14. Section 161 of the said Act is amended by striking out all the words therein after the word "mayor" in the second line down to and including the word "wards" in the fourth line and by inserting at the commencement of the said section the words "In the case of cities and towns in which the aldermen or the councillors, as the case may be, are elected by wards."

Rev. Stat.
c. 223, s. 161
amended.

15. Subsection 1 of section 162 of the said Act is amended by striking out the words, "or in towns, villages or townships for deputy-reeve" in the first and second lines, and the words "or deputy-reeve" in the third line, and by inserting the word "or" before the word "reeve" in the third line.

Rev. Stat.
c. 223, s. 162,
subs. 1
amended.

16.—(1) The form of ballot papers as set out in schedule A to the said Act for use in cities shall not apply in the case of cities in which the aldermen or councillors are elected by general vote, but in the case of such cities and in the case of towns in which the aldermen or councillors are elected by general vote the form of ballot paper to be used shall be that set out in schedule A to this Act.

Form of ballot
papers in
cities and
towns.

(2) The forms of ballot papers set out in schedule A of the said Act for use in case of townships divided into wards and in the case of incorporated villages and townships not divided into wards are repealed and the forms set out in schedule B to this Act are substituted therefor.

Form of ballot
papers.

(3) Schedule B to the said Act, being directions for the guidance of voters in voting is amended by striking out all the words therein after the words "hard labour" at the end of the seventh paragraph of the said schedule and inserting in lieu thereof the form set out in schedule B to this Act.

Directions to
voters,
Rev. Stat.
c. 223, sched.
B amended.

17. Clause 5 of subsection 8 of section 189 of the said Act is amended by striking out the words "clerk of the municipality" in the fourth line and inserting in lieu thereof the words "returning officer."

Rev. Stat.
c. 223, s. 189,
subs 8, c. 5,
amended.

18. Subsection 2 of section 191 of the said Act is amended by inserting after the word "forward" in the third line of the said subsection the words "to him" and by striking out the words "for the purpose of production before him to the clerk of the county."

Rev. Stat.
c. 223, s. 191,
sub-s. 2
amended.

19.—(1) Section 263 of the Act is amended by striking out the words "after two ballots" in the third line of the said section, and inserting in lieu thereof the words, "after the council has voted twice."

Rev. Stat.
c. 223, s. 263,
amended.

(2) The said Act is further amended by adding thereto the following as section 274:

Rev. Stat., c.
223, amended.

Whenever a division is taken in a municipal council either upon the appointment of an officer of the corporation, the

Voting to be
open and
recorded by
clerk.

election of a warden or other presiding officer of the council or upon a by-law, resolution or for any other purpose, each member of the council present voting shall announce his vote upon the question openly and individually in the council, and the clerk shall record the same; and no vote shall be taken by ballot or by any other method of secret voting in any municipal council, and every vote so taken shall be void and of no effect.

Rev. Stat.,
c. 223, s. 276,
sub-sec. 2,
amended.

(3) Sub-section (2) of section 276 of the said Act is amended by striking out the word "balloted" in the third line thereof and substituting therefor the word "voted," and by striking out the word "ballot" in the fourth line and substituting therefor the word "time."

Rev. Stat., c.
223, amended.

20. The said Act is hereby amended by inserting the following section therein :

Boards of
Control in
cities of more
than 45,000
and less than
100,000.

276a.—(1) The council of any city having a population of less than 100,000 but more than 45,000, may by by-law, to be passed at their first meeting in the month of January in any year, provide for a Board of Control to be constituted in the same manner and with the same powers and duties as a Board of Control in cities having a population of 100,000 or more. But the salaries to be paid to members of the Board shall not exceed for each member the sum of \$400.00 per annum.

(2) No by-law passed under the powers conferred by this section shall be repealed within 5 years from the adoption thereof and such by-law shall in no case be repealed except upon a two-thirds vote, of the members of the council, in favor of such repeal.

(3) This section shall not apply to the city of Hamilton.

Rev. Stat.
c. 223, s. 378,
amended.

21. Section 378 of the said Act is amended by adding thereto, the following sub-sections.

Deposit as
security for
costs of motion to quash
by-law.

(6) In lieu of the recognizance mentioned in sub-sections 4 and 5 of this section, the applicant may pay into Court the sum of one hundred dollars as security for any costs which may be adjudged to the municipality against the applicant, and the certificate of such payment into Court having been made, shall be filed in the High Court with other papers relating to the motion.

Application of
deposit on determination of
application.

(7) Upon the determination of the proceedings the judge may order the money so paid into Court to be applied in the payment of costs, or, to be paid out to the applicant in the discretion of the judge according to the result of the application.

Procedure on
payment into
or out of
court.

(8) Subject to any rules of Court, all moneys required to be paid into or out of Court under this section shall be paid in

and paid out in like manner, as moneys are paid into and out of Court in actions pending in the High Court.

22. The said Act is amended by inserting therein the following as section 378*a* :—

Rev. Stat.
c. 223,
amended

378*a*. Where it is alleged that a by-law of any municipality injuriously affects another municipality or the ratepayers thereof or any of them and that such by-law is illegal or contrary to law the said other municipality or any ratepayer thereof shall have the same right to apply to quash or set aside the by-law as a ratepayer of the municipality which passed or adopted the by-law may have, but in case an application to quash a by-law is made by a municipal corporation hereunder, such corporation shall not be required to give a recognizance under section 378 nor shall sub-sections 4 and 5 of the said section apply to any such application by a municipal corporation.

Who may
apply to quash
by-law affect-
ing another
municipality.

23. The said Act is amended by adding thereto the following as section 388*a* :

Rev. Stat. c.
223 amended.

388*a*. The council of a city by by-law passed at any meeting of the council, without submitting the same for the assent of the electors, but subject to the approval of such by-law by the Lieutenant-Governor in Council, may raise such sum or sums of money as may be required to pay and liquidate its share of the cost and expense incurred in building and constructing and also of rebuilding and reconstructing bridges over any stream, which constitutes a dividing line between such city and any other municipality, and may in like manner pass a by-law or by-laws to raise such sum or sums of money as may be required to re-build any existing bridge within the municipality, and for such purposes, may issue debentures at such rates, for such times, not exceeding 20 years at the farthest, and upon such terms as such council may deem advisable, provided always that the aggregate amount to be raised for all of said purposes in any one year shall be limited according to population as follows: by a city having a population of not more than 20,000 the sum of \$10,000; by a city with a population of more than 20,000 and not more than 100,000 the sum of \$15,000; by a city with a population more than 100,000, \$20,000; such population to be determined by the last preceding Dominion census.

City by-laws
for raising
money for cer-
tain bridges
without as-
sent of
electors.

Proviso.

24.—(1) Subsection 1 of section 396 of the said Act is amended by adding in the second line thereof, after the word "Act" the words "a duplicate original or a copy certified as hereinafter mentioned of."

Rev Stat.
c. 223, s. 396,
subs. 1
amended.

Registration
of by-laws
creating
debts.

(2) Subsection 2 of section 396 of the said Act is hereby amended by adding at the end thereof the words "such book

Rev. Stat.
c. 223, s. 396,
subs. 2
amended.

Book for registration of by-laws.

shall be called the by-laws book and shall contain the following particulars: The registration number, the by-law number of the municipality, the title, the amount of the debt, the term of the debentures, the rate of interest, and the number of years over which the debentures are to extend, also whether the rates to be levied are upon the whole rateable property of the municipality or on part thereof."

Rev. Stat. c. 223, s. 411, repealed.
By-laws for exemption from taxation.

25. Section 411 of the said Act is repealed and the following is substituted therefor:

(a) Every municipal council may by by-law exempt any manufacturing establishment or any building for the storage of ice for commercial purposes or any waterworks or water company in whole or in part from taxation except as to school taxes for any period not longer than ten years and to renew this exemption for a further period not exceeding ten years.

Assent of electors required.

(b) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts.

When majority necessary.

(c) To render valid a by-law of a municipality for granting exemption from taxation under this section the assent shall be necessary of two thirds of all the electors on the voters' list as well as of a majority of the electors voting on the by-law

Certificate of clerk.

(d) In addition to the certificate required by section 364 of this Act the clerk in case of a majority of the votes being in favour of the by-law shall further certify whether or not as far as shown by the voters' lists such majority appears to be two thirds of all the electors who are entitled to vote on the by-law.

S. 366, sub-s. 3, 4 to apply.

(e) The provisions of subsections 3 and 4 of section 366 of *The Municipal Act* shall apply to any such by-law.

Existing agreements.

(f) Nothing in this section contained shall affect any by-law or agreement existing at the time of the passing of this Act.

Completion of negotiations begun before Act.

(g) Nothing in this section contained shall prevent a Municipal Council from completing any agreements or arrangements, negotiations in respect of which have heretofore been carried on and are now pending with a view to exemption from taxation in whole or in part of any company or companies not situated in any other municipality of this Province under the provisions of *The Municipal Act* as they existed prior to the passing hereof, but any such agreements or arrangements may be completed and carried out as though this section had not been passed, nor shall it be necessary to submit any by-law for such purpose to the vote of the electors of the municipality. Provided nevertheless that any such agreement or arrangement shall be completed on or before the 1st day of September, 1899.

26. Section 435 of the said Act as amended by *The Municipal Amendment Act, 1898*, is further amended by adding thereto the following subsection:

Rev. Stat.
c. 223, s. 435,
amended.

4. The disqualification mentioned in subsection (2) shall not apply to the case of any member or members of any municipal council elected for the year 1899, not already unseated or who may have already resigned; and the judgment of any court imposing such disqualification on any member or members of any municipal council who may have been unseated shall not disqualify him or them from holding any municipal office other than that of municipal councillor nor from holding the office of municipal councillor after the expiration of the present year, 1899.

Disqualifica-
tion of coun-
cillors for
voting to
exceed limit
in borrowing
for current
expenditure.

27. Section 438 of the said Act is hereby repealed and the following section is substituted therefor:

Rev. Stat.,
c. 223, s. 438,
repealed.

438. Every such claim, except in the cases of infants, lunatics and persons of unsound mind, shall be made within one year from the date when the real property was so entered upon, taken or used, or when the alleged damages were sustained or became known to the claimant, or, in cases of a continuance of damage, then within one year from the time when the cause of action arose or became known to the claimant. Any claim now existing of the nature aforesaid may be made within one year from the passing of this Act but not afterwards, except in the cases of infants, lunatics or persons of unsound mind.

Limitation of
claims for
damage to
lands

28. Section 481 of the said Act is amended by adding immediately before the words "in every city" in the first line thereof the following words, "notwithstanding anything in any special Act contained."

Rev. Stat.,
c. 223, s. 481,
amended.

29. The said Act is amended by inserting therein the following section:—

Rev. Stat.,
c. 223,
amended.

486*a*. The granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation under any of the powers conferred upon the municipal council or Board of Police Commissioners of any municipality by this Act shall be deemed to be in the discretion of the council or board as the case may be and the council or board shall not be bound to state any reason for the granting or the refusing of any such license.

Discretion in
granting or
refusing
licenses.

30.—(1) Section 516 of the said Act is hereby amended by adding thereto the following subsection:

Rev. Stat.
c. 223,
amended.

(a) Where in any city or town the court house and gaol have been erected at the expense of the county after the separation of such city or town from the county and before the 29th day of March, 1873, and such city or town has not erected separ-

Settlement of
amount pay-
able by city or
town for use
of court house
in certain
cases.

ate buildings, in default of any agreement between the city or town and county the arbitrators shall, in making their award, take into account the use of the court house by the inhabitants of such city or town in common with the inhabitants of the county, and apart from and in addition to any amount payable under this Act for the use of the said buildings by the city or town as a municipal corporation or for municipal purposes, and to the extent of the use of the said buildings by the inhabitants of the said city or town and of the county respectively or by the municipal corporation of the said city or town and the municipal corporation of the county respectively for any or all purposes jointly or severally as well connected with the general administration of justice of the entire county and city or town as for the separate use for municipal purposes by either the county or the city or town, and in estimating the amount to be paid by the city or town to the county the arbitrators shall award a proportion of the annual interest upon the cost incurred prior to the said date in the erection of such buildings, which interest shall be computed at the rate of five per centum per annum, and the amount so awarded to be paid by the city or town shall be in addition to the amount payable by such city or town under section 509 and the preceding subsections of this section.

Rev. Stat.
c. 223, s. 512,
repealed.

(2) Section 512 of the said Act is repealed and the following substituted therefor:—

Pending
actions and
awards now in
force.

“ 512. Nothing in sections 510, 511 or 511(a) shall affect any agreement or award in force on the 1st day of July, 1897, or any action or proceeding at law pending on said date, but the said sections shall apply in case of any agreement or award thereafter made between any such county and city or separated town.”

Rev. stat. c.
223, s. 524
amended.

31. Section 524 of the said Act is amended by adding thereto the following subsection:—

Inmates of
houses of in-
dustry or re-
fuge.

(8) In case any person who is an inmate of such house of industry or house of refuge is possessed of any real or personal property and desires to transfer by way of security or by absolute conveyance such real or personal property to the municipal corporation having control of such house of industry or house of refuge as payment or compensation for his maintenance for such time as he remains an inmate therein or as may be agreed upon, such person may convey or transfer either by way of security or absolutely as aforesaid such real or personal property to the municipal corporation, and the municipal corporation may receive and hold such real or personal property for the purposes of the corporation and may dispose of the same in such manner as the council may deem proper or in case such property is only held by way of security the said corporation shall, upon the death of such person, sell and dispose of the same and apply the proceeds in payment of the

actual cost of maintenance of such person in such house with interest thereon at six per cent. per annum, together with the cost of realizing on said property. The balance of such proceeds, if any, shall go to the person entitled thereto as if such conveyance had not been made or according to his direction; but no such conveyance shall be valid unless executed in the presence of the judge of the county and unless there shall be endorsed thereon a certificate signed by such judge stating that he has examined the grantor and is satisfied that the transfer is not under the circumstances improvident and was made by the grantor voluntarily and that he understood the effect thereof and desired to make such conveyance.

32.—(1) Subsection 1 of section 526 of the said Act is amended by striking out of the first line of paragraph 3 thereof the words “lewd, dissolute and.” Rev. Stat. c. 223, s. 526 amended.

(2) The said section is hereby further amended by adding the following subsection thereto:

(3) But before any such person is actually received into such House of Industry or Refuge the commitment shall be approved by the municipality in which such commitment takes place or by a member of the county council in writing. Committal to house of industry.

33. The said Act is amended by inserting therein immediately after section 542 of the said Act the following, as section 542a:— Rev. Stat. c. 223 amended.

542a. The council of any township may by by-law set apart any unincorporated village or settlement and its immediate neighborhood in the township, and may pass by-laws applicable within the limits of the territory so set apart for any or all of the purposes mentioned in subsection 1 of section 542 of this Act. Establishment of fire limits in unincorporated villages.

34. Section 542 of the said Act is amended by adding the following subsections: Rev. Stat. c. 223, s. 542, amended.

17a. For limiting the quantity of gunpowder or of any other explosive substance to be kept in any place other than a powder magazine, and to regulate the manner in which such gunpowder or other explosive substance must be stored; Storing explosives.

17b. For regulating the establishment within the municipality of factories or other places for the manufacture or storage of gunpowder or any explosive substance, and for providing for the submission of plans of the premises in which it is proposed to carry on such manufacture or storage and their approval by the council before the business of manufacturing or storing is commenced, and for making regulations respecting the walls or fences by which such buildings are to be surrounded at a fixed height and distance, and for regulating the distance from Regulating the establishment of factories for explosives, etc.

any other building at which such manufacture or storage may be carried on ;

Regulating
business of
manufactur-
ing and storing
explosives.

17c. For regulating the carrying on of the business of manufacturing or storing gunpowder or any explosive in the municipality, whether such business has been heretofore or shall be hereafter established, and for providing for the precautions to be taken for the prevention of accidents arising therefrom ;

Licensing
manufacturers
and storage of
explosives.

17d. For granting licences for carrying on the business of manufacturing or storing of gunpowder or other explosive substance in quantities of more than twenty-five pounds and for providing for the length of time, not exceeding five years, during which such licenses shall be in force, and that the renewal of the same shall be in the discretion of the council, but no license fee imposed under this section shall exceed the sum of \$25 per month for every month during which the business is carried on.

Rev. Stat. c.
223, s. 566,
subs. 4,
amended.

35.—(1) Subsection 4 of section 566 of the said Act is amended by striking out the first six lines and article (a) thereof, and inserting in lieu thereof the following words and articles (a) to (a9) inclusive :—

By the councils of cities, towns and villages.

By-law for
constructing
gas, electric
lighting and
water works.

4. For constructing gas, electric light or water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years and not less than five years for gas or water works, in the case of any such city, town or village, or for electric light works in towns having a population of 5,000 or less, as ascertained by the latest census of Canada, and in villages, and not exceeding twenty years or less than five years for electric light works in cities and towns having a population of over 5,000 as ascertained by such latest census.

Council to
buy out elec-
tric lighting
companies.

(a) In case there is any gas, electric light or water company incorporated for or in the municipality, the council shall not levy any such special rate, or construct works for lighting the public streets, until such council has, by by-law, fixed a price to offer for the works and property of the company or companies, nor until after thirty days have elapsed after notice of such price has been communicated to the company or companies, without the company or companies having accepted the same, or without the company or companies having, under the provisions of this Act, as to arbitrations, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the company or companies, and in case the company or companies and the municipality do not agree, the said price shall be determined by arbitration under this Act ; and where there is more than one such company in the

municipality the arbitrators shall determine the share or proportion of the price to be paid to each company. This clause (a) shall only apply to a gas or electric light company that has supplied or shall supply gas or electric light for street lighting in the municipality, or to a water company that has supplied or shall supply water for street hydrants in the municipality.

(a2) In any arbitration under clause (a) hereof to determine the price to be paid for the works and property of a gas or water company, the arbitrators shall determine the actual value of such works and property having regard to what the same would cost if the works should be then constructed or the property then bought making due allowance for deterioration and wear and tear, and making all other proper allowances, but not allowing anything for prospective profits or franchise and shall, increase the amount so ascertained by ten per cent. thereof, and such increased amount shall be the amount which the arbitrator or arbitrators shall award as the price to be allowed for the said works and property.

(a3) In any arbitration under clause (a) hereof to determine the price to be paid for the works and property of an electric light company the arbitrators shall determine the actual value of such works and property having regard (1) to what the same would cost if the works should be then constructed or the property then bought; (2) to the condition of the works and to any deterioration thereof from use and wear and tear or by reason of the system or appliances having become in whole or in part obsolete; (3) to the value of such works and property to the municipal corporation for the purposes and to the extent to which the municipality can make use of the same and to such value for commercial and such other purposes as a company could use them for; and (4) to the cost of procuring more valuable or modern improvements or appliances therefor, if any, and the cost of acquiring the right to use and of adapting such improvements, the arbitrators making all proper allowances but not allowing anything for prospective profits or franchise, and such amount so ascertained shall be the amount which the arbitrators shall award as the price to be allowed for the works and property.

(a4) Where in any of the said municipalities the municipal council desires to construct works as aforesaid to supply light for street lighting and other public uses on highways, or to supply water for street hydrants and other public uses on highways, but not for commercial purposes, the council may by the said by law, limit the price to be offered as aforesaid to a price for part only or for the use of part or for the purchase of certain parts and the use of other parts of the works of a company, that is to say, to so much thereof as may be required for such public uses, and in the event of an arbitration hereunder thereafter held to determine as to such offer and price, the arbitrator or arbitrators shall have power, after taking into consideration the effect of severance, if any, or

Purchase.

user on the remaining property and business of the company, to award a severance of the works, if the arbitrator or arbitrators shall determine that after severance, if any, or user the company will be in all probability, having regard to the nature of the business, and all the circumstances, in a position to successfully carry on that part of their business which consists in supplying private consumers at rates not less favorable to the consumers, the company to have the right to continue to operate the balance of their works for that purpose, and if the arbitrator or arbitrators shall so award a severance, they shall, by their award, determine what part of the works the municipality shall acquire for said purposes before levying the said special rate, as well as the price thereof, but nothing herein contained shall affect the right of the council at any subsequent time to offer a price for the said balance of the said works under the provisions of this Act.

(a5) And if within one month after the publication of any award made under article (a) or (a4) hereof the municipality shall give notice in writing to the company that they will not accept the terms thereof their offer may be withdrawn provided they first pay all costs of the reference and award and provided also that in the event of such withdrawal the municipality shall not until after the expiration of two years from such withdrawal be entitled to again avail themselves of the provisions of the clause under which the award was made.

Contract.

(a6) In case there is any gas, or electric light company supplying gas, electric energy or light or water company supplying water in any municipality, the council may, by by-law, fix a price and terms to offer for the supply by contract by such gas or electric light company of gas or electric energy or light for street lighting and other public uses, or for the supply, by contract by such water company of water for street hydrants and other public uses for a term of not less than five years and not more than ten years, and after thirty days have elapsed after notice of such price and terms has been communicated to the company without the company's having accepted the same, the council may, under the provisions of this Act as to arbitrations, name and give notice of an arbitrator to determine the price and terms of the contract for such supply of gas or electric light as aforesaid, and in case the company and the municipality do not agree the said price and terms shall be determined by arbitration under this Act.

(a7) Upon an application in writing signed by not less than five ratepayers of the municipality, the council of any municipality may in its discretion by by-law permit the persons making such application to use the name of the municipal corporation for the purpose of taking proceedings to determine the price at which electric light shall be supplied to inhabitants of the municipality for domestic and other purposes: provided that no such by-law shall be passed until the persons making such

application have given satisfactory security to the council to indemnify the municipal corporation against all costs which may be incurred in the arbitration proceedings. After the passing of such by-law, the said applicants may in the name of the municipal corporation name and give notice of an arbitrator to determine the price and terms of the contract for the supply of electric light or energy to the inhabitants of the municipality for domestic and all other lighting purposes; and for the purposes in this paragraph set forth, the said applicants so acting in the name of the municipal corporation shall have the power to do all necessary things and take all necessary steps, and their acts shall be as binding upon the municipal corporation, as if the said proceedings were taken by the municipal council thereof, and in case the company and the applicants so acting in the name of the municipal corporation do not agree, the said price and terms shall be determined by arbitration under this Act. The municipal corporation shall have the right and is hereby authorized to take proceedings by arbitration in its own name for the purposes in this subsection mentioned and shall have all necessary powers for that purpose whether on its own motion or when used as in this sub-section as provided.

(a8) All the provisions of this Section shall, apply where an individual supplies electric light or electrical energy; or gas or water for municipal and public purposes. In all such cases the municipal corporation and the individual shall proceed hereunder, and be subject to the provisions hereof in the same manner as if the individual were a company. Individual.

(a9) Any municipal corporation and company or individual may agree that the official arbitrator appointed under *The Act respecting Municipal Arbitrations* shall determine any matters in difference hereunder, and in such case his award shall be final and binding upon the parties as if such award had been made by arbitrators appointed under this Act. Official arbitrators.

(2) Article (b) of the said sub-section 4 and sub-section (7) of section 569 of the said Act are hereby amended by adding at the end thereof respectively the following words: "Or the provisions contained in any contract now existing between any municipal corporation and any company." Special Act and contracts.
Inserting words.

(3) Articles (d) and (e) of the said subsection 4 of section 566 are amended by adding the words "electric light" after the word "gas" wherever the latter word occurs in the said clauses, and by inserting after the words "supply pipe" in the seventh line the words "or wires." Rev. Stat. c. 223, s. 569, subs. 5, amended.

(4) Subsection 5 of section 569 of the said Act is hereby amended by inserting the words "electric light" after the word "gas" wherever the latter word occurs in the said subsection 5 of the title thereof. Rev. Stat. c. 223, s. 566, subs. 4, amended.

(5) Nothing in this section contained shall apply to or affect any by law now in force or which had at the time of the passing of this section come into effect nor to any contract here-

tofore made or entered into between a municipal corporation and any gas, electric light or water company; nor shall anything in this Act contained be deemed to prevent any contract being entered into hereafter between a municipal corporation and any such company or any by-law being passed by a municipal council not inconsistent with this Act in the same manner and for the same purpose and to the same extent as heretofore.

Certain articles not to be subject to market fees.

(1) Subsection 2 of said section is amended by adding after the word "poultry" in the second line thereof the words "honey, celery, small fruits or other articles in hand basket."

(2) In any municipality wherein the market fees have been let or sold, this section shall come into effect only after the expiration of the time for which such fees have been so sold.

Rev. Stat. c. 223, s. 583, subs. 22 repealed.

36. Sub-section 22 of section 583 of the said Act is repealed and the following substituted therefor:

Junk and Second-hand Shops.

Licensing and regulating junk shops, etc.

By the councils of counties and separated towns and by the Board of Police Commissioners in cities.

22 For licensing and regulating junk stores or shops, and second hand shops and dealers in second hand goods, and for revoking and cancelling the license of any person convicted of a second offence against such by-law or convicted of an offence against part 25 of *The Criminal Code, 1892.*

By the Councils of counties, cities and separated towns.

22a. For fixing the fee (not to exceed \$20.00 for one year) to be paid for every license required under by-laws passed under the preceding clause 22.

Rev. Stat. c. 223, s. 583, part 25 amended.

37.—(1) Clauses 23 and 35 of section 583 of the said Act are amended by adding at the end of such paragraphs respectively the words:

By-laws for revocation of licenses to tobacconists and eating houses.

"And for revoking any license so granted whenever the council or board deems such revocation desirable without stating any reason therefor, but in the case of the revocation of a license under any such by-law, the treasurer of the municipality shall refund to the licensee such proportionate part of the license fee as will represent the unexpired portion of the term for which the license was granted."

Rev. Stat. c. 223, s. 591, subs. 1, amended.

And to live stock shows.

38. Subsection 1 of section 591 of the said Act is amended by adding at the end thereof the following words: "or in aid of any association formed for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments."

39. Section 606 of the said Act is amended by adding the following as subsection 4:

Rev. Stat.
c. 223, s. 606
amended.

(4) Where the claim for damages is against two or more municipalities jointly responsible for the repair of the road, street, bridge or highway, no action shall be brought to enforce such claim under this section unless the notice to each of the municipalities jointly liable has been served or mailed as provided in subsection 3 within the period or periods therein mentioned.

Notice of
claim for non-
repair of high-
ways where
municipalities
jointly liable.

40. Clause (a) of sub-section 11 of section 640 of the said Act is amended by inserting immediately after the word "along" in the second line of said clause (a) the words "or leading to."

Rev. Stat. c.
223, s. 640, ss.
11, amended.
Sale of road
allowance to
owners of ad-
joining lands.

41. The following clause is hereby added to section 666 of the said Act.

Rev. Stat.
c. 223, s. 666,
amended.

And any ratepayer whose property adjoins, and who has been assessed for the said works or improvements, may, on giving one month's notice to the said municipality that the said works or improvements are not in such good and sufficient state of repair, apply by a summary proceeding to a Judge of the High Court of Justice, or to a County Judge having jurisdiction in such municipality, for an order respecting the keeping of the said works or improvements in such a state of repair as may be reasonable and proper and as is hereinbefore required.

Compelling
municipality
to maintain
works con-
structed as
local improve-
ments.

42.—(1) Subsection 1 of section 668 of the said Act is amended by adding at the end thereof the following words: "and after such final determination no name shall be removed from such petition without the consent of the Judge of the County Court."

Rev. Stat., c.
223, s. 668,
subs. 1,
amended.
Petition for
local improve-
ments.

(2) Subsection 3 of section 669 of the said Act is amended by adding at the end thereof the following words: "and after such final determination no name shall be removed from the petition unless by the consent of the Judge of the County Court."

Rev. Stat., c.
223, s. 669,
subs. 3,
amended.
Petitions
against local
improve-
ments.

43. Section 678 of the said Act is amended by inserting therein the following as subsection 2a thereof:—

Rev. Stat. c.
223, s. 678,
amended.

(2a) The council of the corporation may provide from the general funds of the municipality or raise by way of loan upon debentures of the municipality such larger or smaller proportion than 40 per cent. as they may deem expedient of the cost of construction of granolithic, stone, asphalt, cement or brick sidewalks upon any streets of the city or town on an affirmative vote of three-fourths of the members of the council and the provisions in this section contained shall apply to the proportions or percentages of the contributions to be paid by the city

Corporation's
share of
certain
permanent
sidewalks.

corporation and the owners of the property benefited respectively, such percentages being substituted for the terms forty per cent. and sixty per cent. respectively in any by-laws to be passed or debentures to be issued or proceedings taken relating to such sidewalks or to the payment therefor.

Rev. Stat.
c. 223, s. 699,
sub-section 1
repealed.

Aid to street
railways.

44.—(1) Sub-section 1 of section 699 of the said Act is repealed, and the following is substituted therefore :

“One-fourth in number of the persons shown by the last revised assessment roll to be the owners of real property comprised in a township, city, town or village, or any portion of any such municipality to be defined in the petition hereinafter referred to, and who according to such assessment roll represent at least one-third of the value of such property, may petition the council to aid any street railway company by granting money or debentures by way of bonus or gift or by way of loan to such company to assist in the construction of the railway to, through, or partly through or near to such municipality or portion thereof, and may in such petition define the manner and amount of the aid desired.”

Rev. Stat.
c. 223, s. 699,
sub-section 2
amended.

(2) Subsection 2 of the said section 699 is amended by striking out the words “portion of the municipality” wherever they occur in the section and substituting therefor in each case the words “municipality or portion thereof.”

61 V. c. 2, s.
16, subs. 2
repealed.

45. Subsection 2 of section 16 of *The Municipal Amendment Act, 1898*, is repealed and the following substituted therefor :—

Rev. Stat.
c. 223, s. 425,
61 V. c. 23, s.
16, subs. 1,
amended

2. In the case of a town, township or village, any portion of which is situate within two miles of a city containing more than 100,000 inhabitants, the amount so borrowed and outstanding shall not exceed eighty per cent. of the taxes levied in the preceeding municipal year.

Aid to ferries.

46. The council of any township, town or village may pass by-laws for making an annual grant not exceeding \$100 towards the maintenance of a ferry over any navigable water separating a part of such municipality from the remainder thereof, or separating such municipality from any other municipality in the Province of Ontario.

License fund
for police
villages.

47. The council of any township in which a police village or part of the territory comprising a police village is situated, may by by-law provide that the whole or any part of the sums collected and received by the township for licenses issued for premises situated in the police village or penalties imposed for offences committed in the police village under *The Liquor License Act*, shall be placed to the credit of the police village in the books of the township treasurer and be available for the purposes of the said village.

Rev. Stat.
c. 245.

48.—(1) The police trustees of any police village may appoint a constable, who shall have the same powers and shall perform the same duties within the police village as a constable appointed by the council of an incorporated village. Appointment of constable for police village.

(2) Every constable so appointed shall be paid by the township treasurer out of the funds at the credit of the police village such salary or other remuneration as the police trustees shall order in writing. Remuneration of constable.

49.—(1) The municipal council of any township in which a police village or any part thereof is situate shall at the request of the police trustees pass by-laws applicable only within the police village or such part thereof as may be situate in the township for any of the purposes mentioned in section 546 or in paragraphs 4, 5, 8, 9, 28 and 29 of section 583 of *The Municipal Act*, and thereafter no general by-law of the township for any of the said purposes shall apply or be in force in the police village. By-laws respecting cattle running at large; licit sea for billiard rooms, exhibitions, tobacconists.

(2) All sums collected for license fees or for penalties under any by-law passed under the preceding subsection shall be paid over to the township treasurer and be by him placed to the credit of the police village and supplied to the purposes thereof. License fees; application.

50. Sub-section 2 of section 1 of chapter 225, of the Revised Statutes of Ontario, 1897, is amended by adding after the word "persons" in the seventh line thereof the following words:— Rev. Stat. c. 225, s. 1, subs. 2, amended.

"And any township heretofore incorporated in any such union municipality having a population of less than fifty persons may, upon the petition to the Lieutenant-Governor in Council of any ratepayers or persons owning lands in said township, be withdrawn from said union municipality upon such terms as the Lieutenant-Governor in Council may direct, and the said union or organization of municipalities may be dissolved or the limits thereof specified if the Lieutenant-Governor in Council deems it expedient. Withdrawal of township from union municipality.

51. The name of the township known as the Township of Coffin and Coffin Additional, in the Territorial District of Algoma is hereby changed to, and the said township shall hereafter be named the Township of Aberdeen. Name of Township of Coffin changed.

52. The lake known as Desert Lake and so named in the surveys of the Crown Lands Department, in the District of Algoma, is hereby changed to and the said lake may hereafter be known and described as Gordon Lake. Name of Desert Lake changed to Gordon Lake.

53. Subsection (3) of section 4 of *The Act respecting the Slaughtering of Cattle and the Inspection of Milk and Meat*

Supplies of Cities and Towns is repealed and the following substituted therefor:—

(3) This section shall not come into operation and no proceedings thereunder shall be taken until the close of the next session of the Legislature.

SCHEDULE A.

FORM OF BALLOT PAPER.

In the case of cities and towns in which aldermen or councillors are elected by general vote and for incorporated villages and townships.

 of Election of Members of the Municipal Council of the in the County of , Polling subdivision No. day of January, 18	FOR MAYOR OR REEVE.	BROWN. John Brown, of the Village of Weston, Merchant.
		ROBINSON. George Robinson, of the Vil- lage of Weston, Physician.
	FOR ALDERMEN OR COUNCILLORS.	BULL. John Bull, of the Village of Weston, Butcher.
		JONES. Morgan Jones, of the Village of Weston, Grocer.
		McALLISTER. Allister McAllister, of the Village of Weston, Tailor.
		O'CONNELL. Patrick O'Connell, of the Village of Weston, Milkman.

SCHEDULE B.

AMENDMENT TO DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

In the following forms of ballot paper, given for illustration, the candidates are, for County Councillors, Martin Chuzzlewit, David Copperfield, and Arthur Pendennis; for Mayor, Jacob Thompson and Robert Walker; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick

O'Connell; and the elector has marked the first ballot paper in favour of Martin Chuzzlewit and Arthur Pendennis for County Councillors, the second ballot paper in favour of Jacob Thompson for Mayor, and the third ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election of County Councillors for the (first) County Council Division of the (County) of Ward No. , Polling subdivision No. , day of January, 18 .	FOR COUNTY COUNCILLORS.	CHUZZLEWIT. Martin Chuzzlewit, of the Town of Bothwell, Barrister. X COPPERFIELD. David Copperfield, of the Village of Tilbury, Gentleman. PENDENNIS. Arthur Pendennis, of the Township of Harwich, Farmer. X
	Election for the Members of the Municipal Council of the Ward day of January, 18	FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant. X WALKER. Robert Walker, of the Town of Barrie, Physician.
	Election for the Members of the Municipal Council of the Ward No. , Polling subdivision day of January, 18 No. ,	FOR COUNCILLORS.	BULL. John Bull, of the Town of Barrie, Butcher. X JONES. Morgan Jones, of the Town of Barrie, Grocer. McALLISTER. Allister McAllister, of the Town of Barrie, Tailor. O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman. X

SCHEDULE D.

(Section.)

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the
of

19

I, A.B., clerk of the municipality of in the
 county of do hereby certify that the assess-
 ment roll for this municipality of upon which the
 voters' list to be used at this election is based, was finally revised and cor-
 rected on the day of 19
 and that the last day for making complaint to the county judge with
 respect to the said list was the day of 19

Dated this day of

A.B.

19

[Seal.]

Clerk.

BILL.

The Municipal Amendment Act, 1899.

First Reading, 30th March, 1899.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 256.]

BILL.

[1899.]

The Assessment Amendment Act, 1899.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 16 of section 7 of the said *The Assessment Act* is hereby amended by adding thereto the following words: Rev. Stat. c. 224, s. 7, ss. 16 amended.
“and also all farming implements and vehicles, and all hay, grain and other farm products being the property of said owner or tenant and on the premises owned or occupied by him.”

2. Section 13 of the said Act is amended by adding at the end thereof the following sub-section: Rev. Stat. c. 224, s. 131, amended.

(8) In case of a city having a population of 100,000 or more, the form of the assessment roll may be varied so as to shew in column two the name of the occupant, if any, and if no occupant, then by inserting the words “vacant lot”; and in column six, the name and address of the owner or lessee, if such lessee holds a ground lease extending over twenty-one or more years, and by shewing by the letters O and L the fact of whether the person named in such column is the owner or lessee as aforesaid, instead of the form in this section set out. Form of assessment roll in cities over 100,000 varied.

3. Sub-section 1 of section 58 of the said Act is amended by striking out the figures “31st” in the twelfth line thereof and substituting in lieu thereof the figures “15th.”

Rev. stat.
c. 224
s. 60 repealed

4. Section 60 of the said Act is hereby repealed and the following section substituted therefor.

Requiring
taxes to be
paid into office
of treasurer or
collector.

Payment by
instalments.

Discount on
punctual pay-
ment of taxes.

Notice as to
time and mode
of payment.

60.—(1) In cities, towns, townships or villages, the Council may by by-law require the payment of taxes, including local improvement assessments, sewer rents and rates, and of other rents or rates payable as taxes, to be made into the office of the treasurer or collector by any day or days to be named therein, in bulk or by instalments, and may provide that on the punctual payment of any instalment the time for payment of the remaining instalment or instalments shall be extended to a day or days to be named, or may provide that in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

(2) The Council may also by by-law allow a discount for the payment of such taxes or any class, or of any instalment thereof on or before a day or days therein named and may impose an additional percentage charge for non-payment of such taxes or any class of taxes or of any instalment thereof by a day or days named in such by-law, provided that no greater percentage charge than five per cent. shall be imposed on any instalment of taxes or on the aggregate amount of taxes; and such additional percentage charge shall be added to such unpaid tax or assessment rent or rate or instalment thereof and shall be collected by the collector or otherwise, as if the same had been originally imposed and formed part of such unpaid tax or assessment, rent or rate, or instalment thereof.

(3) Such discount or additional charge may by the by-law be provided for on the basis of a sliding scale corresponding with the length of time default is made but so as not in the aggregate percentage to exceed five per cent. as aforesaid.

(4) In case a by-law shall be passed providing for payment by instalments or allowing any such discount or imposing any such additional percentage charge, a notice shall be given in accordance with section 134 of this Act on which shall be written or printed a concise statement of the time and manner of payment and of the discount allowed or percentage charge imposed, if any, and at any time within fourteen days after such notice shall first have been given, in accordance with section 134 of this Act, any person may take advantage of the provisions of such By-law as to payment by instalments or with the discount allowed thereby, or without the additional percentage charge imposed thereby, as the case may be.

5. Subsection 20 of section 71 of the said Act is amended by inserting after the word "Court" in the third line thereof the words "or the county judges hearing an appeal under section 84 of this Act or the court of appeal."

6. Subsection 1 of section 75 of the said Act is repealed and the following substituted therefor:

Rev. Stat.
c. 224, s. 75,
subs. 1, re-
pealed.
Who may
appeal from
court of re-
vision to
county judge.

(1) An appeal to the county judge shall lie at the instance of the municipal corporation or at the instance of the assessor, or assessment commissioner, or at the instance of any rate-payer of the municipality, not only against a decision of the court of revision on an appeal to the said court, but also against the omission, neglect or refusal of the said court to hear or decide an appeal.

7. The said Act is further amended by inserting therein the following section:—

(83a) Notwithstanding anything in the preceding section contained it shall be lawful for the council of any county to pass a by-law permitting the clerks of the local municipalities instead of transmitting a copy of the roll to transmit a summarized statement of the contents of the roll, showing the total population of the municipality and the total assessment of each of the various classes of property liable to assessment, but the clerk of every local municipality shall, nevertheless, transmit a copy of the roll to the clerk of the county in every third year and whenever in other years he may be required so to do by the county judge or by resolution of the county council.

The penalty for default in performance of the duties under this section or under such by-law upon the clerk of a local municipality shall be the same as in the preceding section.

8. Subsection 2 of section 106 of the said Act is hereby repealed.

Rev. stat
c. 224, s. 106
subs 2 repeal-
ed.

9. Subsection 1 of section 110 of the said Act is amended by striking out the words "15th day of November" in the sixth and seventh lines of the said subsection and inserting in lieu thereof the words "15th day of August."

Rev. Stat.
c. 224, s. 110
subs. 1,
amended.

10.—(1) Section 135 of the said Act is amended by inserting the following proviso after subsection 1 thereof: "Provided, however, that in cities and towns and any other local municipalities having power to sell lands for the non-payment of taxes no distress for the taxes upon each parcel of vacant property shall be made upon the goods or chattels of the owner in any part of the county other than upon such property, and this provision shall be retroactive so as to apply to the returns for arrears of taxes for the years 1896 and 1897."

Rev. Stat.
c. 135, s.s. 1,
amended.

Property
liable to dis-
tress for ar-
rears in debts
of certain size.

(2) Section 148 of the said Act is amended by adding the following proviso thereto: "Provided that in cities and towns and any other local municipalities having power to sell lands for non-payment of taxes the collector of taxes may qualify the oath to be made by him by shewing that, in respect of

Rev. Stat.
c. 224, s. 148,
amended.

vacant land, he has not attempted to distrain upon the goods and chattels of the owner in any other part of the county, than upon such vacant land."

Rev. Stat.
c. 224, s. 225,
amended.

11. The said Act is amended by inserting the following section after section 135:

Audit of
treasurer's
books.

135 *a*—(1). Subject to the provisions of section 60 of this Act in case a person assessed in respect of personal estate or personal property neglects to pay the taxes for fourteen days, after demand or after notice served pursuant to a by-law aforesaid, or in the case of cities or towns after demand and notice as aforesaid, the collector may by himself or his agent (subject to the exemptions provided for in subsection 2 of this section) levy the same with costs by distress,

1. Upon the goods and chattels of the person assessed wherever found within the the county in which the local municipality lies for judicial purposes;
2. Upon the interest of the person assessed in any goods to the possession of which he is entitled under a contract for purchase, or a contract by which he may or is to become the owner thereof upon performance of any condition;
3. Upon any goods and chattels in the possession of the person assessed where title to the same is claimed in any of the ways defined by sub-clauses *a*, *b*, *c*, and *d*, of section 135 and in applying said sub-clauses they shall be read with the words "owner of" and the words "on the premises" omitted therefrom.

Application of
Rev. Stat. 224
s. 135, subs. 4
to 8.

(2) Subsections 2 to 8 of the said section 135 shall apply to goods and chattels liable to distress under this section and to proceedings taken under this section.

Rev. Stat.
c. 224, s. 155,
s.s. 2,
amended.

(3) Subsection 2 of said section 155 is amended by inserting the words "or lands built upon" after the word "lands" in the seventh line thereof.

Rev. Stat.
c. 224, s. 155,
s.s. 3,
amended.

(4) Subsection 3 of the said section 155 is amended by inserting the words "or lands built upon" after the word "lands" in the third line thereof.

Rev. Stat.
c. 224, s. 156,
amended.

(5) Section 156 of the said Act is amended by inserting the words "or lands built upon" after the word "lands" in the second line thereof.

Rev. Stat.
c. 224, s. 158
amended.

(6) Section 158 of the said Act is amended by inserting the words "or upon lands built upon" after the word "non-resident" in the third and fourth line thereof.

Rev. Stat.
c. 224, s. 153,
amended.

12.—(1) Section 153 of the said Act is amended by inserting the words "or built upon" after the word "occupied" in the

eighth line thereof; by inserting the words "or otherwise" after the word "notices" in the eleventh line thereof, and also by inserting the words "or built upon" after the word "occupied" in the thirteenth and fourteenth line thereof.

(2) Subsection 1 of section 155, of the said Act, is amended by inserting the words "or is built upon" after the word "year" in the fifth line thereof, and by inserting the words "or built upon" after the word "occupied" in the eighth line thereof.

Rev. Stat.
c. 224, s. 155,
s.s. 1,
amended.

13.—(1) Section 162 of the said Act is amended by adding the following subsection thereto:—

Rev. Stat.
c. 224, s. 162,
amended.

(1) The treasurer of any city, town or other local municipality having power to sell lands for non-payment of taxes may receive payment from time to time on account of the taxes returned to him as in arrear upon any parcel of land, or upon taxes due on personal property, but no such payments shall be received after he has advertised such lands for sale for arrears of taxes.

Receipt of arrears of taxes after advertisement.

(2) Section 173 of the said Act is amended by adding the following subsection thereto:

Rev. Stat.
c. 224, s. 173,
amended.

(3) In cities and towns and any other local municipalities having power to sell lands for non-payment of taxes the treasurer may add to the taxes shewn in the lists of lands liable to be sold for taxes any taxes which have fallen due since those shewn in the lists furnished by the treasurer to the clerk under section 152 hereof, and which last mentioned taxes have been returned by the collector to him, as provided in section 147 hereof, and thereafter he shall be at liberty to proceed to sell the said lands, as if such last mentioned taxes had been included in the statement furnished by him to the clerk, under section 152 hereof.

Treasurer to have power to add arrears accruing after return.

14. Section 225 of the said Act is amended by striking out the words "city and town" in the first line thereof and the words "city or town" where they occur in the fifth and eighth lines respectively and by adding at the end thereof the following words "and in cities, towns and other local municipalities having power to sell lands for non-payment of taxes, the treasurer thereof shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land, shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit said books and accounts at least once in every year."

Rev. Stat., c.
224, s. 225,
amended.

Audit of treasurer's books.

Rev. Stat.
c. 224, s. 237.

15. The said Act is amended by adding the following section thereto:

Power given
to municipal-
ity to issue
debentures on
credit of ar-
rears of taxes.

226a (1) The council of any city, town or other local municipality having power to sell lands for non-payment of taxes, may from time to time, without the assent of the ratepayers by by-law, authorize the mayor or other head of the municipality to issue, under the corporate seal, upon the credit of the taxes in arrear in such city, town or other such municipality debentures payable not later than eight years after the date thereof, and for sums not less than \$100 each, so that the whole of the debentures at any time issued and unpaid do not exceed one-half of all arrears then due and owing upon the lands in the city, town or other such municipality, together with the moneys standing to the credit of the Special Fund as hereinafter provided.

(2) Such debentures shall be negotiated by the mayor or other head of the municipality and treasurer and all moneys received in payment of the taxes upon the security of which such debentures are issued shall be set apart as a Special Fund out of which to pay the debentures and interest thereon.

(3) If at any time there is not to the credit of such Special Fund sufficient money to redeem the debentures due and accrued interest, such debentures and interest shall be payable out of the general funds of the city, town or other such municipality as aforesaid and the payment thereof may be enforced in the same manner as is by law provided in the case of other debentures.

Rev. Stat.
c. 225, s. 42,
subs. 2,
application of.

16. The provisions of subsection 2 of section 42 of *The Act respecting the Establishment of Municipal Institutions in the Territorial Districts* shall apply to every municipality composed of one or more townships in the districts named in the said Act, and incorporated under any special Act, as well as to municipalities formed under the said general Act.

Act incorpor-
ated with Rev.
Stat. c. 224—
commence-
ment.

17. This Act shall be read with and as part of *The Assessment Act* and shall come into force on [the first day of May, 1899.

2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

The Assessment Amendment Act, 1899

First Reading, 30th March, 1899.

MR. HARDY.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty.

No. 257.]

BILL.

[1899.]

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-nine, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Honourable Sir Oliver Mowat, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-nine ; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and forty-six thousand one hundred and fifty dollars and sixty-six cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand

\$3,646,150.66
granted out of
the Consoli-
dated Revenue
Fund for cer-
tain purposes.

eight hundred and ninety-nine as set forth in Schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand nine hundred as set forth in Schedule B to this Act.

Accounts to be
laid before the
Legislative
Assembly.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under Schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended
moneys.

3. Any part of the money under Schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-nine, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day ; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure
to be account-
ed for to Her
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-nine and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto

Lieutenant-Governor's Office	\$ 3,780 00
Executive Council and Attorney-General's Office	20,772 50
Education Department	19,660 00
Crown Lands Department	61,360 00
Department of Public Works	18,750 00
Treasury Department	32,325 00
Provincial Board of Health	7,800 00

CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department.....	\$34,425	
Inspection of Public Institutions	15,475	
Insurance Branch	8,150	
Department of Agriculture	18,510	
Immigration Branch	1,650	
Miscellaneous	9,800	
		\$252,957 50

LEGISLATION.

To defray expenses of Legislation	\$118,200 00
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ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$68,017 50	
Surrogate Judges and Local Masters	21,026 00	
Miscellaneous Criminal and Civil Justice	359,154 57	
		\$448,198 07

EDUCATION.

To defray expenses of:—

Public and Separate School Education	\$456,517 35	
High Schools and Collegiate Institutes	115,050 00	
Library and Museum	7,800 00	
School of Practical Science	22,470 00	
Public Libraries, Art Schools, Literary and Scientific	56,750 00	
Miscellaneous	14,475 00	
Superannuated Public and High School Teachers	61,300 00	
		\$734,362 35

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—	
Asylum for the Insane, Toronto.	\$ 98,639 00
Asylum for the Insane, London.	129,462 00
Asylum for the Insane, Kingston.	73,544 00
Asylum for the Insane, Hamilton.	119,033 00
Asylum for the Insane, Mimico.	75,832 00
Asylum for Insane, Brockville.	65,397 00
Asylum for Idiots, Orillia.	56,948 00
Central Prison, Toronto.	60,250 00
Provincial Reformatory, Penetanguishene. .	26,960 00
Institution for the Deaf and Dumb, Belleville.	44,646 00
Institution for the Blind, Brantford.	32,600 00
Mercer Reformatory for Females.	22,175 00
	\$805,486 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration.	\$7,075 00
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AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.	\$214,617 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities.	\$200,316 98
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.	\$ 7,460 37
Old Parliament Buildings.	750 00
New Parliament and Departmental Buildings. .	28,740 00
Attorney-General's Department.	650 00
Crown Lands Department.	1,050 00
Treasury Department.	900 00
Provincial Secretary's Department.	900 00
Department of Agriculture.	700 00
Department of Public Works.	600 00
New Parliament Buildings, exclusive of Departments.	2,000 00
Education Department (Normal School Building) .	8,000 00
Normal School, Ottawa.	3,900 00
School of Practical Science.	3,525 00
Agricultural College.	6,700 00
Osgoode Hall.	8,840 00
Miscellaneous.	3,570 00
	\$78,285 37

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto	\$ 5,350 00	
do Mimico	3,480 00	
Asylum for the Insane, London	7,520 00	
Asylum for the Insane, Hamilton.....	4,850 00	
Asylum for the Insane, Kingston	4,300 00	
Asylum for the Insane, Brockville	6,805 00	
Asylum for Idiots, Orillia.....	2,800 00	
Reformatory, Penetanguishene.....	700 00	
Reformatory, Oxford.....	17,500 00	
Reformatory for Females, Toronto	3,050 00	
Central Prison, Toronto.....	5,300 00	
Deaf and Dumb Institute, Belleville.....	1,450 00	
Blind Institute, Brantford.....	1,525 00	
Victoria College	5,000 00	
Agricultural College, Guelph	4,610 00	
Normal School and Education Depart't, Toronto	2,000 00	
Normal School, Ottawa.....	2,000 00	
Normal School, London.....	62,000 00	
School of Practical Science, Toronto	5,485 00	
Osgoode Hall, Toronto	1,200 00	
New Parliament Buildings	2,400 00	
District of Algoma.....	1,800 00	
Thunder Bay District	650 00	
Rainy River District.....	2,550 00	
Muskoka District	10,200 00	
Parry Sound District.....	100 00	
Nipissing District	875 00	
Dairy School, Kingston.....	239 00	
		\$165,739 00

PUBLIC WORKS.

To defray expenses of Public Works	\$63,953 00
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COLONIZATION ROADS.

To defray expenses of Construction and Repairs	\$98,250 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$167,525 00
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REFUNDS.

Education	\$ 1,000 00	
Crown Lands	18,500 00	
Municipalities Fund	973 28	
Land Improvement Fund	2,402 11	
		\$22,875 39

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$138,310 00
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UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses	50,000 00
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Total estimates for expenditure of 1899.....	\$3,566,150 66
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SCHEDULE B.

SUM granted to Her Majesty by this Act for the year
one thousand nine hundred and the purposes for
which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1900.....	\$80,000 00
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Total.....	\$3,646,150 66
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2nd Session, 9th Legislature, 62 Vict., 1899.

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand nine hundred, and for other purposes therein mentioned.

First Reading,	30th March, 1899.
Second Reading,	30th March, 1899.
Third Reading,	30th March, 1899.

Mr. HARCOURT.

TORONTO:

PRINTED BY L. K. CAMERON,

Printer to the Queen's Most Excellent Majesty

No. 258.]

BILL

[1899.

An Act respecting the Ontario and Rainy River Railway.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The grant made to the Ontario and Rainy River Rail-
way by the Act passed in the fifty-seventh year of Her
Majesty's reign, chaptered 49, is transferred to that portion of
the said railway extending from its junction with the Port
Arthur, Duluth and Western Railway for a distance of thirty-
five miles in a westerly direction, and the time for complying
with the conditions on which the said grant was made is
hereby extended for a period of three years.

Time for
complying
with condi-
tions of sub-
sidy extended.

No. 258.

2nd Session, 9th Legislature, 62 Vict, 1899.

BILL.

An Act respecting the Ontario and Rainy
River Railway.

First Reading, 1st April, 1899.

Second Reading, 1st April, 1899.

Third Reading, 1st April, 1899.

THE ATTORNEY-GENERAL.

TORONTO.

PRINTED BY L. K. CAMERON

Printer to the Queen's Most Excellent Majesty.

